

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 12.03.2019

CORAM:

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN**  
**and**  
**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

**W.P. (MD) No.5775 of 2019**  
**and W.M.P. (MD) No.4547 of 2019**

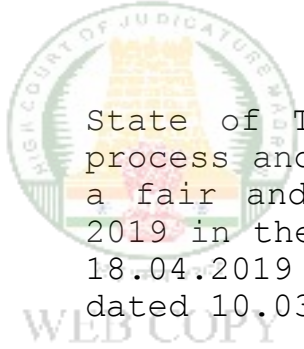
K.Kathiresan

... Petitioner

-VS-

- 1.Election Commission of India,  
Rep. by its Chief Election Commissioner,  
Election Commission of India,  
Nirvachan Sadan,  
Ashoka Road,  
New Delhi - 110 001.
  - 2.The Chief Election Officer,  
Secretary to Government of Tamilnadu,  
Public (Elections) Department,  
Secretariat,  
Fort St. George,  
Chennai - 600 009.
  - 3.The Union of India,  
Rep. by the Secretary to Government of India,  
Ministry of Home Affairs,  
North Block, Cabinet Secretariat,  
Raisina Hill,  
New Delhi - 110 001.
  - 4.The State of Tamilnadu,  
Rep. by the Chief Secretary to Government,  
Secretariat,  
Chennai - 600 009.
  - 5.The Additional Chief Secretary to Govt. of Tamilnadu,  
Home Department,  
Secretariat,  
Chennai - 600 009.
  - 6.The Director General of Police,  
No.4, Dr.Radhakrishnan Salai,  
Mylapore, Chennai - 600 004.
- ... Respondents

**PRAYER** : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Election Commission of India to keep away Mr.T.K.Rajendran I.P.S., from the post of Director General of Police (Head of Police Force) for the



State of Tamilnadu forthwith till the completion of the Election process and appoint some other honest and upright officer to conduct a fair and free elections for the Parliamentary General Elections 2019 in the State of Tamilnadu which is scheduled to be conducted on 18.04.2019 by considering the Petitioner's Email representation dated 10.03.2019 sent to the Respondents 1 & 2.

For Petitioner : Mr.A.Kannan

For Respondents 1 & 2 : Mr.Niranjana Rajagopalan

For Respondents 4 to 6 : Mr.K.Chellapandian  
Additional Advocate General,  
Assisted by Mr.A.K.Baskara Pandian  
Special Government Pleader

### O R D E R

(Order of the Court was made by **S.S.SUNDAR, J.**)

This writ petition has been filed as a public interest litigation for issuance of Writ of Mandamus, directing the Election Commission of India to keep away Mr.T.K.Rajendran I.P.S., from the post of Director General of Police (Head of Police Force) for the State of Tamilnadu forthwith till the completion of the Election process and appoint some other honest and upright officer to conduct a fair and free elections for the Parliamentary General Elections 2019 in the State of Tamilnadu which is scheduled to be conducted on 18.04.2019 by considering the Petitioner's Email representation dated 10.03.2019 sent to the Respondents 1 & 2.

2.The petitioner has made several allegations against the sixth respondent and expressed his apprehension that free and fair election in the State of Tamilnadu will not be possible in the presence of Mr.T.K.Rajendran I.P.S., as the Head of Police Force in the State of Tamilnadu. The petitioner has already sent a representation before the Election Commission. The representation itself was sent only on 10.03.2019 and the writ petition has been filed on the next day. On several occasions the Hon'ble Supreme Court of India has considered such prayers and expressed that it is for the Election Commission, which is the appropriate authority to determine such issues and the Court cannot sit in appeal over the decisions of the Election Commission.

3.Having regard to the fact that the representation itself has been submitted only on 10.03.2019, it will be appropriate for the Election Commission to take it as an input along with any other materials, which the election commission may come across, and take effective steps for the free and fair election in the State of Tamilnadu.



4. With the above observation, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

sj  
To

1. The Chief Election Commissioner,  
Election Commission of India,  
Nirvachan Sadan,  
Ashoka Road, New Delhi - 110 001.

2. The Chief Election Officer,  
Secretary to Government of Tamilnadu,  
Public (Elections) Department,  
Secretariat,  
Fort St. George, Chennai - 600 009.

3. The Secretary to Government of India,  
Ministry of Home Affairs,  
Union of India,  
North Block, Cabinet Secretariat,  
Raisina Hill, New Delhi - 110 001.

4. The Chief Secretary to Government,  
State of Tamilnadu,  
Secretariat,  
Chennai - 600 009.

5. The Additional Chief Secretary to Govt. of Tamilnadu,  
Home Department,  
Secretariat, Chennai - 600 009.

6. The Director General of Police,  
No.4, Dr. Radhakrishnan Salai,  
Mylapore, Chennai - 600 004.

1 CC to M/s. A. KANNAN, Advocate ( SR-53296[F] dated 12/03/2019 )  
+1 CC to M/s. SPL GP ( SR-53630[F] dated 13/03/2019 )