



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.10.2019
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.22011 of 2019

and

W.M.P.[Md]Nos.18774 & 18775 of 2019

M.Sankarasubramanian : Petitioner
Vs.

- 1.The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi - 110 001.
- 2.The Chief Electoral Officer (CEO)
and Secretary to Government,
Public (Elections) Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 3.The District Election Officer
and Tirunelveli District Collector,
Collectorate,
Kokkirakulam,
Tirunelveli - 627 009.
- 4.The Returning Officer,
227, Nanguneri Assembly Constituency
and District Supply / Consumer Protection Officer,
Tirunelveli. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the notification dated 21st September 2019, No.ECI/PN/84/2019 of Election Commission of India issued by the first respondent herein and quash the same as illegal and consequently to direct the first respondent to postpone the 227-Nanguneri Assembly Constituency Bye-Election on or after 21.11.2019 on the basis of my representation dated 08.10.2019 on merits in accordance with law.

For Petitioner

: Mr.M.Sankarasubramanian
Party-in-person



For Respondent No.1 : Mr.K.K.Senthil
For Respondents 2 to 4 : Mr.K.Chellapandian
Additional Advocate General
Assisted by Mr.A.K.Baskara Pandian
Special Government Pleader

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O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2.Heard Mr.M.Sankarasubramanian, petitioner appearing in person, Mr.K.K.Senthil, learned Counsel appearing for the first respondent and Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents 2 to 4.

3.The petitioner seeks for quashing the notification issued by the Election Commission of India notifying the election to various parliamentary constituencies. However, the challenge is restricted only to one constituency, namely, Constituency No.227-Nanguneri. The petitioner is an independent candidate who has filed his nomination to contest in the said election. The petitioner would admit that his nomination was found to be valid and therefore, he is contesting in the election to be conducted on 21.10.2019.

4.The writ petition has been filed stating that the Court should postpone the election, so that a free and fair election will be conducted. The petitioner would place reliance on certain news reports wherein it is reported that the electronic voting machines were shifted from the office of the District Collector, Tirunelveli. It is settled legal principle that based on newspaper report, the Court cannot entertain Public Interest Litigations, more particularly, in the case on hand when the petitioner himself is an independent candidate, contesting for 227-Nanguneri Assembly Constituency.

5.According to the petitioner, many illegal activities are going on in the constituency and the police authorities have not initiated any action. At the same time, the petitioner would admit that two criminal complaints have been registered against certain persons who were found to be carrying cash in excess of what was permitted. According to the petitioner, very many important persons are campaigning in the constituency and crores of rupees is being moved to be distributed to the voters. These averments have been made in the representation given to the Election Commission of India. It is not known as to what action, the election commission has taken. However, exercising jurisdiction under Article 226 of the



Constitution of India, we cannot interdict an election process, more so, on the facts set out by the petitioner.

6.Learned Additional Advocate General submitted that all effective steps have been taken by the State to ensure free and fair election. This submission is placed on record.

7.The Election Commission shall also take effective steps to ensure that entire election is conducted in a fair manner. The learned Additional Advocate General submitted the fact that effective monitoring is going on and a sum of Rs.18,97,000/- was seized from a vehicle which was carrying the cash in the limits of the constituency.

8.For the above reasons, the Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

MR

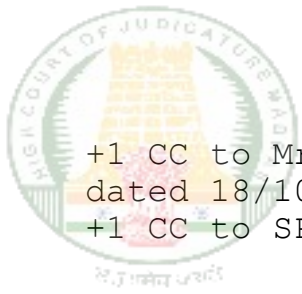
To

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and District Supply / Consumer Protection Officer,



+1 CC to Mr.M.SANKARA SUBRAMANIAN, Party-in-person (SR-92806[F]
dated 18/10/2019)
+1 CC to SPL GP (SR-93239[F] dated 21/10/2019)

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Order made in
W.P. [MD] No. 22011 of 2019

Dated: **18.10.2019**

MK (25.11.2019) 4P 7C