

Original Application.No.837 of 2019
in E.P.No.4 of 2019

M.S.RAMESH.J,

This application is made by the Chief Election Officer, State of Tamil Nadu and Election Commission of India, seeking for release of the Electronic Voting Machines used for the elections for No.33, Theni Parliamentary Constituency, Tamil Nadu, which election is challenged in the above Election Petition No.4 of 2019.

2. The averments in the Election Petition does not pertain to counting of votes and the Electronic Voting Machines are not the subject matter of the Election Petition. Furthermore, there are no orders by this Court, refraining the Election Commission of India or the Chief Election Officer, State of Tamil Nadu from using these Electronic Voting Machines. As such, I do not find any impediment for the Election Commission of India to deal with these Electronic Voting Machines, without reference to the pendency of the Election Petition.

3. The learned counsels appearing for the petitioner in the Election Petition, as well as, all the respondents therein also submitted that these Electronic Voting Machines are not the subject matter of the Election Petition and they have no objection if the same are released. Such a statement is hereby recorded.

4. For all the foregoing reasons, the Original Application in O.A.No.837 of 2019 stands allowed. Consequently, the applicants herein are at liberty to deal with the Electronic Voting Machines used in the Elections in No.33, Theni Parlimentary Constituency, Tamil Nadu, without reference to the pendency of the Election Petition No.4 of 2019.

सत्यमेव जयते

11.09.2020

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