



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Eighth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice M.DURAISWAMY
and
The Hon`ble Mr.Justice T.RAVINDRAN

WMP(MD) No.137 of 2020

IN

SUO MOTU WP(MD) No.27408 of 2019

THE SECRETARY,
TAMILNADU STATE ELECTION COMMISSION,
208/2, JAWAHARLAL NEHRU ROAD,
ARUMBAKKAM, CHENNAI -600106

... PETITIONER/ RESPONDENT

Vs

THE VACATION OFFICER,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

... RESPONDENT/ PETITIONER

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant 15 more days to submit the soft copies of CC TV Camera footage before the Registry of this Honourable High Court as ordered by this Honourable Court in Suo Motu WP(MD).NO.27408/2019 and thus render justice.

Prayer in SUO MOTU WP(MD). 27408/ 2019 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Mandamus Directing the respondent to ensure free and fair counting of votes and the entire counting process from opening of the seal of the box till the announcement of the elected representative, should be covered with the CCTV cameras or any other writ or direction or order in the nature of writ as Honourable Court may deem fit and proper, in the circumstances of the case and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.RAJA KARTHIKEYAN, Advocate for the petitioner, the court made the following order:-

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[Order of the Court was made by **M.DURAISWAMY, J.**]

The Secretary, Tamil Nadu State Election Commission, Chennai, has filed the above Miscellaneous Petition seeking for extension of 15 more days to submit the C.C.T.V., Camera footages before the Registry of this Court as ordered in *Suo Motu* W.P(MD)No.27408 of 2019.

2. The Honourable Division Bench of this Court in *Suo Motu* W.P (MD)No.27408 of 2019, by order dated 30.12.2019, observed as follows:

"Some of the members of the BAR represented before this Court that a Division Bench of this Court in the case of S.Saidai Sampath Vs. The Chief Election Commissioner, Chennai [in W.P.No.23207 of 2011, dated 14.10.2011] has already directed the State Election Commissioner, Tamil Nadu that the counting of the ballot sheets should be videographed and hence, they made representations before the Election Commission, however, it was informed that they will not videograph the counting process.

2. Mr.Raja.Karthickeyan, learned Standing Counsel appearing for the State Election Commission of Tamil Nadu, has produced a circular in Na.Ka.No.1548/2019/The.Pol, dated 26.12.2019 issued by the Secretary, State Election Commission, wherein, all the District Electtion Officers/ the District Collectors were directed to instal two cameras in each vote counting hall and to record the entire counting process. Further he has also given an undertaking that two CCTV cameras in each vote counting hall will be installed, which will cover the entire process of the vote counting in the particular counting hall and therefore, the apprehension is not acceptable.

3. The said undertaking of the learned Standing Counsel appearing for the State Election Commission is placed on record and this Court directs the State Election Commissioner, to ensure free and fair counting of votes and the entire counting process from opening of the seal of the box till the announcement of the elected candidates, should be covered with the CCTV cameras and after completion of the counting process, the CCTV footage of each camera should be collected as soon as possible, preferably not lather than ten hours from the completeion of the counting process, wherever the counting of votes takes palace in the Districts, which fall under the jurisdiction of Madurai Bench of Madras High Court, namely, Madurai, Karur, Dindigul, Theni, Tiruchirappalli, Tanjore, Pudukottai, Sivagangai, Ramanathapuram, Tuticorin, Tirunelveli, Tenkasi, Virudhungar and Kanyakumari, before the CCTV Cameras are taken from the counting centres, along with the signature and seal of the officer concerned and the same should be produced before the Registrar (Judicial) of this Bench before 5.00pm on 03.01.2020 and the Registrar (Judicial) is directed to receive the CCTV footages to be produced by the Election Commission and the same be kept under



safe custody.

4. All the respective candidates and agents shall extend their fullest co-operation for free, fair and peaceful counting of the ballot sheets."

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3. From the above, it is clear that the State Election Commission was directed to produce the C.C.T.V., footages taken at the time of counting of ballot sheets to the Registrar (Judicial) of Madurai Bench of Madras High Court, before 05.00 p.m., on 03.01.2020 and the Registrar (Judicial) was directed to receive the C.C.T.V., footages to be produced by the Election Commission and keep the same under safe custody.

4. Though the Honourable Division Bench of this Court granted time to the Election Commission till 05.00 p.m., on 03.01.2020, the Election Commission for the reasons best known to them, even after a lapse of five days, had not produced the same till today, i.e., 08.01.2020. Further, the Election Commission has not even given a specific date for the production of C.C.T.V., footages. In these circumstances, the reasoning given by the Election Commission seeking for extension of time cannot be accepted for the reason that the election results were declared as early as on 02.01.2020/03.01.2020. We are of the considered view that no further indulgence can be shown to the petitioner by extending the time after 08.01.2020.

5. Therefore, this Writ Miscellaneous Petition is devoid of merit and the same is dismissed.

sd/-
08/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

+1. C.C. to M/S.RAJA KARTHIKEYAN Advocate SR.No.477

COPY TO:

THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
WMP(MD) No.137 of 2020 IN
SUO MOTUWMP(MD) No.27408 of 2019
Date :08/01/2020

TK/PN/SAR.4/13.01.2020/3P/3C

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