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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)Nos.447 and 505 of 2020

and

W.M.P(MD)Nos.341 and 342 of 2020 in W.P(MD)No.447 of 2020

W.P(MD)No.447 of 2020:

Lalitha

... Petitioner

Vs.

1.The State Election Commissioner,
208/2, Jawaharlal Nehru Salai,
Arumbakkam,
Chennai - 106.

2.The District Electoral Officer - cum -
District Collector,
Dindigul District,
Dindigul.

3.The Returning Officer /
Union Ward Member (Elections),
Nilakkottai Union,
Dindigul District.

4.The Election Officer - cum - Block Development Officer,
Nilakkottai Union,
Dindigul District.

5.Yagappan

6.Regina Nayagam

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 4 herein to conduct free and fair elections to the post of Chairman and Vice Chairman of Nilakkottai Panchayat Union, Dindigul District, under the supervision of a Senior Advocate / Court Commissioner to monitor and regulate the entire election process with video coverage and to file a report before this Court.

For Petitioner

: Mr.Veera Kathiravan
(Senior Counsel)

for M/s.Veera Associates



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W.M.P(MD)Nos.341 and 342 of 2020 in W.P(MD)No.447 of 2020

For Respondents

: Mr.AR.L.Sundaresan
Senior Counsel assisted by
Mr.Raja Karthikeyan for R.1

Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.VR.Shanmuganathan
Special Government Pleader
for R.2 to R.4

W. P (MD) No. 505 of 2020:

K.Murugan

... Petitioner

Vs.

1.The State Election Commissioner,
No.208/2, Jawaharlal Nehru Salai,
Arumbakkam,
Chennai - 600 106.

2.The District Electoral Officer /
The District Collector,
Ramanathapuram District.

3.The Returning Officer /
Muthukulathur Panchayat Union,
Ramanathapuram District.

4.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

5.The Deputy Superintendent of Police,
Muthukulathur Circle,
Ramanathapuram District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 2 and 3 to videograph the entire process, election of Chairman and Vice Chairman, Muthukulathur Panchayat Union, Ramanathapuram District, on 11.01.2020 and further direct the respondents 4 and 5 to provide adequate police protection during the election by considering the representation of the petitioner dated 07.01.2020.

For Petitioner

: Mr.Veera Kathiravan
(Senior Counsel)
for Mr.K.Anbarasan



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For Respondents

: Mr.AR.L.Sundaresan
Senior Counsel assisted by
Mr.Raja Karthikeyan for R.1

Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.VR.Shanmuganathan
Special Government Pleader
for R.2 to R.5

COMMON ORDER

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

The petitioners have filed the above writ petitions to issue writs of Mandamus to direct the respondents 1 to 4 to conduct free and fair elections to the Post of Chairman and Vice Chairman of Nilakkottai Panchayat Union, Dindigul District and also for the election of Chairman and Vice Chairman of Muthukulathur Panchayat Union, Ramanathapuram District, scheduled to be held on 11.01.2020 under the supervision of a Senior Advocate / Court Commissioner to monitor and regulate the entire election process with video coverage and to file a report before this Court.

2. Heard Mr.Veera Kathiravan, learned Senior Counsel for the petitioners, Mr.AR.L.Sundaresan, learned Senior Counsel assisted by Mr.Raja Karthikeyan, learned Counsel for the first respondents/State Election Commissioner and Mr.K.Chellapandian, learned Additional Advocate General assisted by Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the State.

3. When the writ petitions are taken up for hearing, Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the first respondent/State Election Commissioner submitted that the first respondent shall instruct the respective District Collectors throughout the State of Tamil Nadu to videograph the entire election process in respect of Panchayat Unions and District Panchayats scheduled to be held on 11.01.2020.

4. Since the first respondent/State Election Commissioner stated that they will instruct the respective District Collectors to videograph the entire election process scheduled to be held on 11.01.2020, we do not find that any further direction need be issued to the first respondent with regard to videographing of the election process on 11.01.2020.

5. So far as the appointment of Advocate Commissioner is concerned, we do not find any reason to appoint an Advocate Commissioner to supervise the election process on 11.01.2020. The



authorities shall ensure free and fair election 11.01.2020 in the Panchayat Unions and District Panchayats.

6. Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the first respondent/State Election Commissioner and Mr.K.Chellapandian, learned Additional Advocate General appearing for the State submitted that they would file an affidavit of compliance of the order passed by this Court today, on **21.01.2020**. The said submissions are placed on record.

7. With these observations, both the writ petitions are disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rsb

To

1.The State Election Commissioner,
208/2, Jawaharlal Nehru Salai,
Arumbakkam,
Chennai - 106.

2.The District Electoral Officer - cum -
District Collector,
Dindigul District,
Dindigul.

3.The Returning Officer /
Union Ward Member (Elections),
Nilakkottai Union,
Dindigul District.

4.The Election Officer - cum - Block Development Officer,
Nilakkottai Union,
Dindigul District.

5.The District Electoral Officer /
The District Collector,
Ramanathapuram District.



6.The Returning Officer /
Muthukulathur Panchayat Union,
Ramanathapuram District.

7.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

8.The Deputy Superintendent of Police,
Muthukulathur Circle,
Ramanathapuram District.

+1 CC to M/s.VEERA ASSOCIATES, (SR-1154[F] dated 09/01/2020)

+1cc to Mr.K.Anbarasan,Advocate, SR.No.1092

W.P(MD)Nos.447 and 505 of 2020
and
W.M.P(MD)Nos.341 and 342 of 2020
in W.P(MD)No.447 of 2020
09.01.2020

JMN(09.01.2020) 5P : 11C