



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.14275 of 2020

and

W.M.P. (MD)No.11931 of 2020

R.Tamilnesan

: Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The District Environmental Engineer,
Office of Tamil Nadu Pollution Control Board (TNPCB),
Dhuvakudi,
Trichy.
- 3.The Director,
Department of Physical Health and Preventive Medicine,
Teyanampet,
Chennai.
- 4.The Assistant District Officer,
Fire and Rescue Department, Thanjavur.
- 5.The Block Development Officer,
Palanganankudi Panchayat,
Trichy.
- 6.Seva Gas and Seva Ventures,
Rep. by its Managing Director,
S.F.No.125/13, Dhuvakudi, Assor Village,
Thiruvermbur Taluk,
Trichy District.
- 7.The Chief Election Commissioner,
Nirvachan Sadan,
Ashoka Road, New Delhi - 110 001.



8.The Secretary to Government,
Ministry of Home Affairs,
North Block, New Delhi - 110 001.

9.The Secretary to Government,
Ministry of Law and Justice,
Shastri Bhawan, New Delhi - 110 001.

: Respondents

[Respondents 7 to 9 are *suo-motu* impleaded vide order dated 13.10.2020].

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 5 to forbear the operations of the Seva Gas and Seva Ventures situated at Dhuvakudi, Asoor Village, Thiruvermbur Taluk, Trichy District, forthwith, so as to ensure that the safety norms and regulations are not violated based on the petitioner's representation dated 04.05.2020.

For Petitioner : Mr.M.Dinesh

For Respondents: Mr.R.Murugan
Additional Government Pleader
for R.1, R.3 to R.5

Mr.Kasirajan for R.2
Mr.Niranjan S.Kumar for R.6
Mrs.L.Victoria Gowri,
Assistant Solicitor General of India
for R.7 to R.9

ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

It has become a fashion for people now-a-days to float a political party, with letter-heads, without even registering under the provisions of the relevant Act, as if they are the President or General Secretary of the concerned political party. There are no rules and regulations prohibiting a person from starting a political party in our country. Taking advantage of this position, many persons are floating the letter-head political parties only for the sake of blackmailing and for other considerations. The officials are also often threatened by such parties. Even general public are said to be facing a lot of problems, but, nobody is coming forward to raise their voice against them fearing the consequences.

2. Here is a case filed by a person claiming to be the General Secretary of "Tamil Thesiya Katchi", seeking a Writ of Mandamus directing the respondents 1 to 5 to forbear the operations of the sixth respondent, namely, Seva Gas & Seva Ventures, as a public interest litigation.



3. A perusal of the affidavit filed by the petitioner would only show that without any safety norms and regulations, the sixth respondent is conducting the business. The sixth respondent is said to be running an Oxygen manufacturing unit, without getting appropriate licence and permission from the authorities concerned. But, no details have been given by the petitioner as to which are all the provisions that require permission and / or licence to be obtained and who are all the authorities to give such licence / permission. Without giving the proper and material details, the petitioner invoked the Right to Information Act to get certain details and rushed to this Court stating that a tragedy, like, the Bhopal Gas Tragedy would strike in Tamil Nadu.

4. This Court is of the opinion that this is not a public interest litigation, but a Paisa Interested Litigation. In fact, in the present COVID-19 situation, supply of Oxygen is very important and the supply hardly meets the demand. Since nothing has been stated in the petition as to what are all the violations made by the sixth respondent as well as the relevant provisions, this Court is of the firm opinion that this writ petition has been hurriedly filed only to blackmail the sixth respondent and extort illegal money.

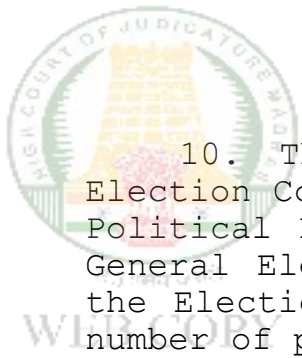
5. The petitioner, who claims to have filed this petition as a Public Interest Litigation and also claims to be the General Secretary of a political party, has not referred to any public related activities done by him or by his Party. Therefore, the prayer sought for by the petitioner is liable to be rejected and accordingly, the same is rejected.

6. Be that as it may, taking into consideration the number of persons floating political parties, without any restriction, this Court would like to deal with the issue elaborately, keeping this Public Interest Litigation pending.

7. Therefore, i) the Chief Election Commissioner of India, Nirvachan Sadan, Ashoka Road, New Delhi - 110 001; ii) the Secretary to Government, Ministry of Home Affairs, North Block, New Delhi - 110 001; and iii) the Secretary to Government, Ministry of Law and Justice, Shastri Bhawan, New Delhi - 110 001 are *suo-motu* impleaded as the respondents 7 to 9, respectively, in this petition.

8. Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India takes notice for the newly impleaded respondents 7 to 9.

9. Since there is no requirement under the Law to the minimum Membership for floating a Party, many persons are floating Letter Head Parties only to blackmail the people and therefore, it is necessary on the part of the Election Commission to prescribe minimum number of Membership for registering a Political Party with the Election Commission or even for floating a party.



10. This Court is aware of the procedure followed by the Election Commission to give recognition to a Political Party, as the Political Parties have to get a minimum percentage of votes in the General Election. However, for registering a Political Party with the Election Commission, there is no requirement of having minimum number of party cadres or Membership.

11. Therefore, this Court is of the view that at least 50,000 members or more is the minimum requirement for a Political Party to register with the Election Commission, otherwise, many Letter Head Parties will be floated and it will be against the interest of the Society. With regard to this prescription, as suggested by this Court, the Election Commission as well as the other respondents have to give their response.

12. Therefore, this Court raises the following queries:

(a) How many Political Parties are recognised in India as National Parties and Regional Parties?

(b) How many Political Parties are registered with the Election Commission?

(c) What is the procedure to register a Political Party with the Election Commission?

(d) Why not the respondents, especially, the Election Commission prescribe a requirement of minimum 50,000 or more members to register a Political Party with the Election Commission or to float a Political Party?

(e) Why not the Election Commission get criminal antecedents of the Office Bearers of the prospective Political Party, which has applied for registration?

(f) Why not the respondents, especially, the Election Commission reject the application, in case, the Office Bearers of the prospective Political Parties have criminal antecedents?

(g) How many Office Bearers of existing Political Parties have criminal antecedents?

Post the matter on 25.01.2021, for passing further orders.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk/smn2



To

- 1.The District Collector,
Thanjavur District, Thanjavur.
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+1cc to Mr.C.Kasirajan, Advocate Sr.No.20070

W.P. (MD)No.14275 of 2020

13.10.2020

ES (CO)

NR (11/01/2020) 5P : 10C