



WEB COPY

W.P.(MD)No.17826 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.17826 of 2020
(Through Video Conference)

Senthil Kumar

... Petitioner

Vs

- 1) The Tamil Nadu State Election Commission,
Rep. by its Secretary,
No.208/2, Jawaharlal Nehru Road,
Opp to CMBT, Arumbakkam,
Chennai 600 106
- 2) The District Collector / Returning Officer,
Sivagangai District.
- 3) The Superintendent of Police,
Sivagangai District.
- 4) The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to conduct the election of Chairman and Vice Chairman of Sivagangai District Panchayat scheduled to be held on 04.12.2020 at Collector Office campus by appointing an independent authority as election observer in any other place other than Collector office campus and videograph the entire election process and to further direct them to give adequate police protection for the petitioner and for the ward members elected on behalf of his political party as mentioned in the representation dated 30.11.2020.

For Petitioner : Mr.P.Wilson,
Senior Counsel
For Mr.D.Venkatesh

For R-1 : Mr.Raja Karthikeyan

For RR 2 -4 : Mr.C.Ramar,
Additional Government Pleader



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to conduct election of Chairman and Vice Chairman of Sivagangai District Panchayat scheduled to be held on 04.12.2020 at Collector Office campus by appointing an independent authority as election observer in any other place other than Collector office campus and videograph the entire election process and to further direct them to give adequate police protection for the petitioner and for the ward members elected on behalf of his political party as mentioned in his representation dated 30.11.2020.

2. Heard Mr.P.Wilson, learned Senior counsel appearing for the petitioner, Mr.Raja Karthikeyan, learned standing counsel appearing for the first respondent and Mr.C.Ramar, learned Additional Government Pleader appearing for the respondents.

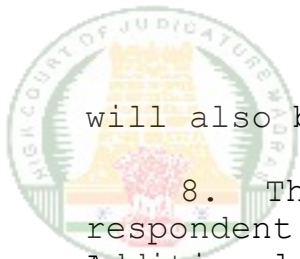
3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

4. The petitioner is a party member of one of the recognized political parties. By order dated 11.11.2020 passed in W.P.(MD) No.14988 of 2020 in a writ petition filed by the petitioner and some other persons belonging to the petitioner's political party, the learned Single Judge of the Principal Seat of this Court has recorded an undertaking given by the first respondent that they shall issue Election Notification within a period of two weeks from the date of the said order. Accordingly, Election Notification was also issued and election was scheduled to be held on 04.12.2020.

5. The petitioner apprehends that the election may not be held in a free and fair manner and in such circumstances, he has sought for appointment of an independent authority as Election Observer and to video graph the entire election process and also to give police protection for the petitioner as well as other ward members elected on behalf of the political party to which the petitioner belongs.

6. Heard Mr.P.Wilson, learned Senior counsel appearing for the petitioner, Mr.Raja Karthikeyan, learned standing counsel appearing for the first respondent and Mr.C.Ramar, learned Additional Government Pleader appearing for the respondents.

7. Mr.C.Ramar, learned Additional Government Pleader has placed before this Court the instructions, he has received from the second respondent on 05.12.2020, wherein the second respondent has informed him that the Elections are now scheduled to take place on 11.12.2020 instead of on 04.12.2020. He would also submit on instructions that sufficient police protection will be given to all the candidates, who are contesting the elections, including the



will also be done.

8. The learned standing counsel appearing for the first respondent would also reiterate the submissions made by the learned Additional Government Pleader appearing for the respondents 2 to 4. However, the learned Senior counsel for the petitioner seeks for a specific direction to the Superintendent of Police, Sivagangai District to grant police protection for the petitioner as well as his party members. For this submission, the learned counsels appearing for the respondents have not raised any serious objection.

9. After recording the submissions made by the learned standing counsel for the first respondent as well as the learned Additional Government Pleader appearing for the respondents 2 to 4, this Court directs the Superintendent of Police, Sivagangai District to provide adequate police protection to all the contestants for the election of ward members to the Sivagangai District Panchayat to be conducted on 11.12.2020 and a direction is also issued to the first respondent to video graph the election, so that the election is conducted in a free and fair manner.

10. With these observations and directions, this writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To:

- 1) The Secretary,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opp to CMBT, Arumbakkam,
Chennai 600 106



2) The District Collector / Returning Officer,
Sivagangai District.

3) The Superintendent of Police, Sivagangai District.

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4) The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

Order made in
W.P. (MD) No.17826 of 2020

kmk (CO)
TR(08.12.2020) 4P 5C