

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.4780 of 2021

Coimbatore Corporation Contractors Welfare
Association, Regn. No.81/2012,
A7-Sundaresa Iyer Layout, Trichy Road,
Coimbatore - 641 018, Rep. by its
Treasurer, A.Ammasaiappan.

Petitioner

-vs-

- 1.The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.
- 2.The State Election Commissioner,
State of Tamil Nadu, Public (Election)
Department, Secretariat,
Fort St. George, Chennai 600 009.

Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to consider the representation of the petitioner dated 17.02.2021 and 18.02.2021 and pass orders by permitting the members of the petitioner who are executing the government departmental works to carry the cash as detailed below:

S.No.	Annual turnover in Rs.	Permission to carry cash in Rs.
1.	2 crores	2 lakhs
2.	5 crores	5 lakhs
3.	10 crores	10 lakhs
4.	Above 10 crores	15 lakhs

from the bank to the work site on production of only the documents relating to the contract carry the cash during the model code of conduct.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.G.Rajagopalan
Senior Counsel
for Mr.Niranjan Rajagopal,
M/s.G.R.Associates
for R-1

: Mr.K.S.Suresh,
Govt. Advocate for R-2

ORDER
(Made by The Hon'ble Chief Justice)

The petitioner appears to have been put up by others interested in ensuring that the cash distribution during the election time goes on and the Election Commission is rendered toothless in carrying out inspections or the like.

2. Ostensibly, the petitioner seeks a direction for the petitioner's representations of February 17 and February 18, 2021, to be considered by the Election Commission. However, such representations pertain to the petitioner's demand to be permitted to carry more cash than the ordinary limit of Rs.50,000/- which is set by the Election Commission. It is submitted on behalf of the Election Commission that if there is an appropriate explanation supported by documents, the Election Commission does not stand in the way of more money being carried by a person for the purpose of distribution to workmen or the like. However, there cannot be any blanket immunity granted which would have the effect of rendering the check on excessive cash useless.

3. W.P.No.4780 of 2021 is dismissed. The Election Commission will be free to inspect, check and ascertain the kind of money being carried by any person and be entitled to draw an adverse inference and confiscate the money if the amount is found to be excessive.

There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1.The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.

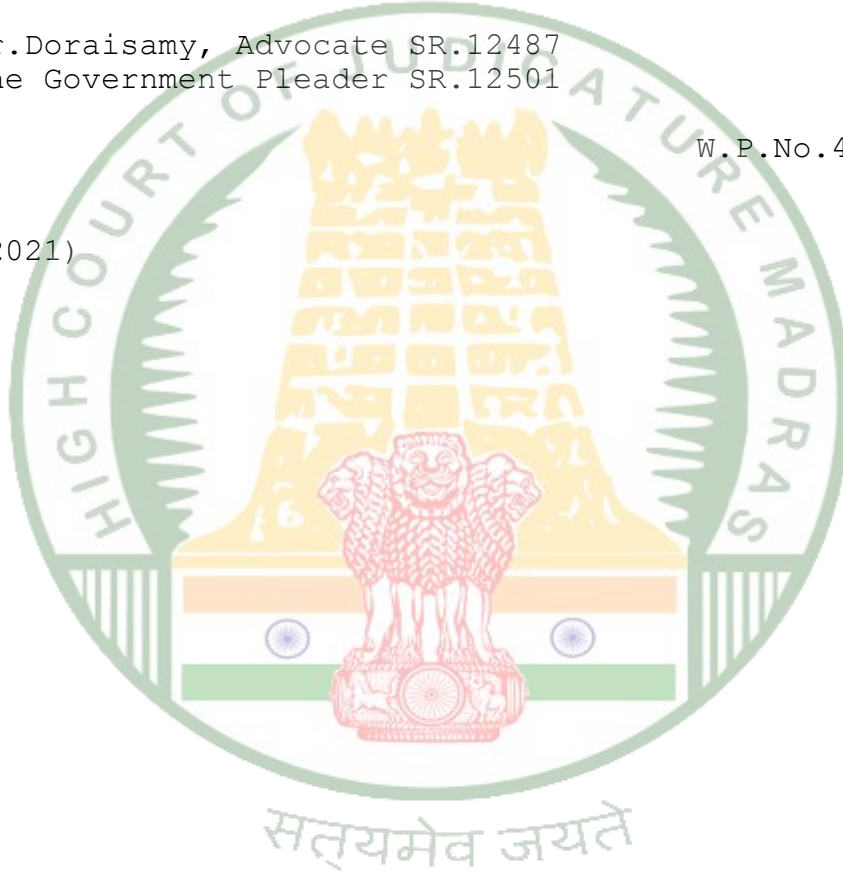
2.The State Election Commissioner,
State of Tamil Nadu, Public (Election)
Department, Secretariat,
Fort St. George, Chennai 600 009.

+1cc to Mr.Doraisamy, Advocate SR.12487

+1cc to the Government Pleader SR.12501

W.P.No.4780 of 2021

MG(CO)
CB(17/03/2021)



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