

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.3595 of 2021

M.Suriya Bagavandass .. Petitioner

Vs.

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

2. The Tamil Nadu State Election Commissioner
Tamil Nadu State Election Commission
No.208/2, Jawaharlal Nehru Road
Opp. CMBT, Arumbakkam
Chennai
Tamil Nadu 600 106.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 26.01.2021 and further directing the respondents to make arrangements to receive an undertaking from every voter and/or administer an oath to group of voters just before they cast their vote in the polling booth.

For Petitioner : Mr.Rajiv Rufus.V

For Respondents : Mr.Niranjan Rajaopal
For M/s. G.R. Associates

ORDER

(Made by the Hon'ble Chief Justice)

The petitioner seeks a degree of sanctity to be attached to the election process that would rid the system of any degree of dishonesty. The petitioner says that every voter should be

administered an oath that such voter has not indulged in any dishonest scheme or obtained any incentive to vote one way or the other. In particular, the petitioner wants all voters to swear that they have not received cash for coming to vote.

2. While it is open to the petitioner to approach the policy makers, particularly in the legislature with the proposal, such an order cannot be passed since it would not be practicable to implement it. In the process of voting at election booths that is prevalent, the administering of oath to every individual voter would make the system unfeasible. In any event, it is not the business of the Court to lay down such guidelines or impose the administration of any oath as such matters ought to be discussed and taken up by the legislative arm of the sovereign.

3. W.P.(MD) No.3595 of 2021 is disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

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To:

1. The Chief Election Commissioner
Election Commission of India
Nirvachan Sadan
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+1cc to Mr.G.R.Associates , Advocate SR.No. 13504

W.P.(MD) . No.3595 of 2021

mp (CO)
A.SK(09/03/2021)