

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7990 of 2021

R.S.Bharathi

.. Petitioner

Vs.

1. Election Commission of India,
rep. by the Senior Principal Secretary,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.
 2. Chief Electoral Officer &
Secretary to Government,
State of Tamil Nadu,
Public (Elections) Department,
1st Floor, Main Building,
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 directing the respondents to consider the representation dated 13.3.2021 submitted by the petitioner and issue necessary orders or notification or guidelines within a fixed time frame.

For Petitioner

: Mr.R.Shanmugasundaram
Senior Counsel
for M/s.S.Manuraj

For Respondents

: Mr.G.Rajagopalan
Senior Counsel
for M/s.Niranjana Rajagopalan

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner seeks a direction on the Election Commission to allow the political parties to endorse the sending or receipt of the ballot papers in respect of the absentee voters.

2. The Election Commission says that the process may become too cumbersome and, in any event, such change of procedure cannot be accommodated at this late stage. Further, the Election Commission submits that if the candidates or their representatives at each constituency are permitted to make the endorsements, it may not be feasible because of the large candidates at some places and even the accidental unavailability of a candidate or his representative may render the process vulnerable to challenge. The Election Commission says that it has taken every measure to ensure that the postal ballots, after they are received, are preserved with full security and without unauthorised personnel getting access thereto or there being any scope to tamper therewith.

3. It is hoped that the sanctity of the voting process is maintained to the best extent possible. For such purpose, it will be open to the Election Commission to store the postal ballots cast by the absentee voters in such a place which may be monitored by CCTV or the like. However, it is left entirely to the discretion of the Election Commission as long as the possibility of allegations of tampering and the like are taken care of.

W.P.No.7990 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Election Commission of India,
rep. by the Senior Principal Secretary,
Nirvachan Sadan,
Ashoka Road,
New Delhi - 110 001.

2. The Chief Electoral Officer &
Secretary to Government,
State of Tamil Nadu,
Public (Elections) Department,
1st Floor, Main Building,
Secretariat, Fort St. George,
Chennai - 600 009.

+lcc to Mr.S.Manuraj, Advocate, S.R.No.19846.
+lcc to M/s.G.R.Associates, Advocate, S.R.No.19977.
+lcc to the Government Pleader, S.R.No.20196.

GSM(CO)
CSR 17.04.2021

W.P.No.7990 of 2021



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