

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.7962 of 2021

&

W.M.P.No.8515 of 2021

G.Parthiban

.. Petitioner

Vs.

1. Union of India,
rep. by the Cabinet Secretary,
New Delhi.
2. The Chief Election Commissioner,
Election Commission of India,
New Delhi.
3. The Chief Election Officer (CEO),
(Election Commission of India Public Department)
Fort St. George,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 2nd and 3rd respondents to conduct the General Election for the Legislative Assembly of Tamil Nadu to be conducted on 06.04.2021 and all ensuing Election in the poll is take votes and given by ballot paper only.

For Petitioner : Mr.P.T.Perumal

For Respondents : Mr.B.Rabu Manohar
SCGC

for respondent No.1

: Mr.Niranjana Rajagopal
for respondent Nos.2 and 3

ORDER

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

The petitioner says that though the grievance indicated in the petition may not be taken up for the purpose of ensuing elections, the matter ought to receive consideration since there is an apparent anomaly between Section 59 of the Representation of the People Act, 1951 and subsequently introduced Section 61-A thereof.

2. The substance of the petitioner's grievance is that since the mandatory word "shall" has been used in Section 59 of the said Act, it is necessary that voting by ballot be the only method of polling.

3. The issues raised by the petitioner have been covered in an authoritative pronouncements of the Supreme Court on the introduction of voting through the electronic voting machines.

4. In such view of the matter, W.P.No.7962 of 2021 is disposed of without requiring the Election Commission to consider the suggestions of the petitioner. There will be no order as to costs. Consequently, W.M.P.No.8515 of 2021 is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Cabinet Secretary,
Union of India, New Delhi.
2. The Chief Election Commissioner,
Election Commission of India,
New Delhi.
3. The Chief Election Officer (CEO),
(Election Commission of India Public Department)
Fort St. George, Chennai.

+2cc to Mr.B.Rabu Manoharan, Advocate, SR.No.19622, 20202.

+1cc to M/s.G.R. Associates, SR.No.19979.

+5cc to Mr.P.T.Perumal, Advocate, SR.No.19974.

+1cc to the Government Pleader, SR.No.20197.

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W.P.No.7962 of 2021
&
W.M.P.No.8515 of 2021

PMK(CO)
CSR 09.04.2021