

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.03.2021
CORAM :
THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY
W.P.No.8275 of 2021

M.J.Logesh Babu

.. Petitioner

Vs.

- 1.The Union of India,
rep. by its Secretary,
Ministry of Home Affairs
New Delhi - 110 001.
- 2.The Chief Election Commissioner,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.
- 3.The Secretary,
The Government of Tamilnadu,
Public (Elections) Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 4.The Chief Electoral Officers,
Public (Elections) Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 5.The Chief Election Officer,
206/N, Jawaharlal Nehru Road,
Jai Nagar, Arumbakkam,
Chennai - 600 106.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the Election Commissioner/Officers to issue appropriate measures to forbearing the unlawful use of Electronic Media to communicate the voters by SMS, Whatsapp, Social Media Advertisement in Search Engine, Apps, Emails and all these possible means of communicating voters at large during the vital 48 hours (i.e. two days) before election date till the ending time of election date in voting.

For Petitioner

: Mr.M.Selvam

For Respondents

: Mr.Rabu Manohar, SCGSC
for respondent No.1

: Mr.Niranjan Rajagopalan
for GR Associates
for respondent Nos.2 to 5

ORDER

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

This is another busybody seeking to interfere in a matter pertaining to the forthcoming State elections.

2. Unfortunately, because of lack of any meaningful activity or better work, many of the petitioner's ilk have disturbed the Court and needlessly troubled the Election Commission too and distracted both the authorities, much to their chagrin.

3. The present petition pertains to apprehension of unlawful use of the electronic media to communicate to the voters. It is well-nigh impossible for both the Court and the Election Commission to control how the media acts or how the social media may be used. It is only if any violation is brought to the notice of the Court or the Election Commission that any action may be taken. There are guidelines which have been put in place by the Election Commission and it is hoped that such guidelines are adequate to cover the apprehension expressed by the petitioner.

4. There does not appear to be any basis to the petition, particularly since the petitioner has not indicated any illegal activity by any person, but has expressed a mere apprehension. It is hoped that Courts and the Election Commission are left free to attend to more serious business at election time instead of being recklessly burdened by with petitions of the present kind.

5. W.P.No.8275 of 2021 is dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

bbr

To:

1.The Secretary,
Union of India,
Ministry of Home Affairs
New Delhi - 110 001.

2.The Chief Election Commissioner,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.

3.The Secretary,
The Government of Tamilnadu,
Public (Elections) Department,
Secretariat, Fort St. George, Chennai - 600 009.

4.The Chief Electoral Officers,
Public (Elections) Department,
Secretariat, Fort St. George, Chennai - 600 009.

5.The Chief Election Officer,
206/N, Jawaharlal Nehru Road,
Jai Nagar, Arumbakkam, Chennai - 600 106.

+1cc to Mr.B.RABUMANOHAR, ADVOCATE, SR.NO. 20913

+1CC TO M/S.G.R.ASSOCIATES, ADVOCATE, SR.NO. 20571

+1cc to M/s.Special Government Pleader, SR.NO. 20771

DCH (CO)
KKN 20.04.2021

W.P.No.8275 of 2021

WEB COPY