

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2021

CORAM :

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

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.8612 of 2021

Aam Aadmi Party (AAP)
Rep. by its Convener,
S.A.N.Vasigaran, S/o.Shaif,
24 Srinivasan Nagar,
Maduravayol, Chennai 600 095. .. Petitioner

-vs-

The State Election Commission,
Tamil Nadu, Rep. by its Chief Commissioner,
Secretariat, Chennai 600 009. .. Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call upon the record of the respondent in Letter No.7158/Ele. VII / 2021-1 Dated 22/03/2021 addressed to the Under Secretary Election Commission of India New Delhi and quash the same as illegal and arbitrary and further direct the respondent to pass an order for the petitioner representation dated 17/3/2021 and allow the petitioner for conducting campaigns and creating awareness with regard to free and fair election hundred percent voting by the adult franchise exercising their voting right not to receive any consideration for voting, to avoid candidates with criminal background further the petitioner was taking steps to collect information with regard to the complaints, Distribution of monies for the Votes and to report the same before the respective authorities.

For Petitioner : Mr.M.Velmurugan
For Respondent : Mr.Niranjan Rajagopalan

ORDER

(Made by The Hon'ble Chief Justice)

The petitioner is a political party which complains of the virtual rejection of a representation made to the Chief Electoral Officer of the State.

2. It is not in dispute that the petitioning political party has not nominated any candidate for any constituency at the forthcoming assembly elections. However, the petitioner sought permission to undertake campaigning activities. The petitioner states that the purport of the application was lost on the Election Commission.

3. The Election Commission says that it is for the petitioner to approach a Returning officer in the relevant constituency where the petitioner wishes to undertake campaigning.

4. Accordingly, in whatever time is left before the assembly elections to be held on April 6, 2021, the petitioner may move such Returning Officers as the petitioner chooses to seek the same permission that has been declined by the impugned letter dated March 22, 2021.

5. It is made clear that the validity of the request or the purpose for which permission is proposed to be sought have not been gone into.

W.P.No.8612 of 2021 is disposed of. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(sra)

To
The Chief Commissioner,
State Election Commission,
Tamil Nadu,
Secretariat, Chennai 600 009.

+1cc to M/s.G.R.Associates(Niranjan Rajagopalan), Advocate
Sr.No.21695

+1cc to Government Pleader Sr.No.21770

+1cc to Mr.M.Velmurugan, Advocate Sr.No.21651

W.P.No.8612 of 2021

KV(CO)
NR 16/04/2021