



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14302 of 2021

A.Sabapathy

...Petitioner

-vs-

- 1 Election commission of India
Nirvachan Sadan, Ashoka Road,
New Dehi 110 001.
- 2 Tamil Nadu State Election Commission,
No. 208/2, Jawaharlal Nehru Road,
OPP. CMBT Arumbakkam,
Chennai 600 106.
- 3 The Additional Chief Secretary,
Chief Election Officer, General
(Election) Department, Secretariat
Chennai 600 009.
- 4 The District Collector
District Election Officer, Dindigul,
Dindigul District.
- 5 The Returning Officer,
(District Adi Dravidar and Tribal Welfare
Officer, Dindigul), 131 Natham Constituency,
Dindigul District.

6 R.Viswanathan

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to take action against the 6th respondent pursuant to the representation of the petitioner dated 06.02.2021 within a stipulated period fixed by this Hon'ble Court.



WEB COPY

For Petitioner : Mr.V.Illanchezian
For Respondents : Mr.G.Rajagopalan, Senior Counsel
for M/s.G.R.Associates,
for respondents 1to3

Mr.P.Muthukumar
Counsel for State,
for respondents 4 and 5

* * * * *

ORDER
(Made by the Hon'ble Chief Justice)

The petitioner complains of the perceived false declaration or false information furnished by one of the candidates at the recent State Assembly election.

2. However, it appears that the complaint or the representation has been made to the State Election Commission and not to the Election Commission of India which has exclusive authority to conduct Parliamentary and Assembly elections.

3. Mr.G.Rajagopalan, learned Senior Advocate, appearing for the Election Commission, takes notice and says that if a representation is made to the Election Commission of India, in view of a recent circular, the Election Commission will take appropriate steps in accordance with law.

4. Accordingly, W.P.No.14302 of 2021 is disposed of by permitting the petitioner to carry a detailed representation as to the perceived misdeclaration or false information furnished by the relevant candidate within four weeks from date. The Election Commission, no doubt, will afford the relevant candidate an opportunity of hearing before taking a prima facie view and proceed to take further steps or close the matter in accordance with law.

There will be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sra



To:

- 1 Election commission of India
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New Dehi 110 001.
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Officer, Dindigul), 131 Natham Constituency,
Dindigul District.

+lcc to M/S.G.R.Associates, S.R.No.33238

W.P.No.14302 of 2021

PM(CO)
SU(15/07/2021)