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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. (MD) No.9016 of 2021

Vaadagai Urimaiyalarkal Ottunarkal
Nala Munnetra Sangam
(Registration No.14/2018)
No.1011, ZNZ Complex,
Mangammal Salai,
Crescent Nagar, KTC Nagar,
Tirunelveli,
rep. By C.Santhosam,
State President

.. Petitioner

Vs.

1. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi 110 001.
2. The Tamil Nadu State Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opp. CMBT Arumbakkam,
Chennai- 106.
3. The Tamil Nadu Chief Election Officer,
Public (Elections) Department,
Secretariat, Fort St.George,
Chennai 600 009.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 05.04.2021 and further direct the respondents to provide voting facility to the drivers who are being used in the election process in 2021 Tamil Nadu State Assembly Election, either through postal vote or any other method.



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For Petitioner : Mr.Rajiv Rupus V.

For Respondents : Mr.G.Rajagopalan, Senior Counsel,
for M/s.G.R.Associates,
for respondents 1 and 2

Mr.Mohammed Sahib,
Counsel for State,
for 3rd respondent

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

The petitioner has brought it to the notice of the Court that during the conduct of any elections, particularly to an Assembly or the Parliament, several personnel are engaged, including drivers, but adequate arrangements may not be made for such personnel to cast their votes.

2. There is now an elaborate procedure which is adopted by the Election Commission to ensure that every person involved in the election machinery exercises the right to cast his vote and has due opportunity in this regard. Indeed, orders have been passed and matters pertaining to Returning Officers and other personnel have been specifically dealt with. Even in course of the recent Assembly elections in this State, the Election Commission made elaborate arrangements to ensure that the personnel engaged for polling could exercise their voting rights, whether by postal ballot or by other means.

3. This petition pertains to a small class of persons who are drivers ferrying election personnel at the time of the polling. The Election Commission should take necessary steps to ensure that all personnel engaged on polling duty, including drivers who ferry the other officers, ballot boxes and material from one place to another, have the opportunity to cast their votes and do not lose such right merely because of their engagement.

4. Mr.G.Rajagopalan, learned Senior Advocate who usually appears for the Election Commission, is available on the virtual mode. Mr.G.Rajagopalan is requested to take notice on behalf of the Election Commission. A copy of this order will be forwarded to Mr.G.Rajagopalan along with copies of the petition so that immediate appropriate action can be taken by the Election Commission in accordance with law to ensure that at the next



election, no official engaged for polling purposes misses out on the right and opportunity to exercise his franchise.

W.P. (MD) No.9016 of 2021 is disposed of without any order as to costs.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To:

- 1.The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi 110 001
- 2.The Tamil Nadu State Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opp. CMBT Arumbakkam,
Chennai- 106
- 3.The Tamil Nadu Chief Election Officer,
Public (Elections) Department,
Secretariat,
Fort St.George, Chennai 600 009
- 4.Mr.G.Rajagopalan,
Senior Standing Councilor
for M/s.G.R.Associates,
III-A, High Court Chambers,
High Court, Madras - 104

Copy to:

The Section Officer,
ER Section, High Court, Madras
(to communicate copy of the petition along with order copy)

+1CC to M/s.G.R.Associates, Sr.No.33236

W.P. (MD) No.9016 of 2021

LN (CO)
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