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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.18217 of 2021

M.Loganathan

Vs.

...Petitioner

1. The Hon'ble Speaker,
rep. by Secretary to the
Tamil Nadu State Legislative Assembly,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Chief Election Commissioner of India,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 028.
3. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.
4. The Secretary,
Government of Tamil Nadu,
Public Department,
Secretariat, Fort St. George,
Chennai - 600 009.
5. The Secretary,
Tamil Nadu State Legislative Assembly,
Fort St. George,
Chennai - 600 009.
6. The Chief Electoral Officer of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.



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7. E.R.Eswaran, MLA,
Member of Legislative Assembly,
Tiruchengode Constituency (96),
Old No.80, New No.46, U Block,
5th Main Road, Anna Nagar,
Chennai - 600 040.
8. M.H.Jawahirulla, MLA,
Member of Legislative Assembly,
Pabhanasam Constituency (176),
No.52, Pillayarkovil Street,
Arumbakkam,
Chennai - 600 106.
9. K.Chinnappa, MLA,
Member of Legislative Assembly,
Ariyalur Constituency (149),
No.30B, Sanjeevirayankovil Street,
Ariyalur Town Ariyalur District,
PIN - 621 704.
10. Boominathan, MLA,
Member of Legislative Assembly,
Madurai South Assembly Constituency (192),
No.789, Karpaga Nagar, 3rd Street,
K.Pudur, Madurai, PIN - 625 007.
11. T.Velumurugan, MLA,
Member of Legislative Assembly,
Panrotti Constituency (154),
No.310, West Street, Puliur Kattusagai,
Puliur Post, Kurinchipadi Taluk,
Cuddalore District.
12. Abdul Samad, MLA,
Member of Legislative Assembly,
Manaparai Assembly Constituency (138),
No.286, Saddamuhassain Nagar, 1s Street,
Pudupattinam,
Chengalpattu District,
PIN - 603 102.
13. Sadhan Thirumalai Kumar,
Member of Legislative Assembly,
Vasudevannalur Assembly Constituency (220),
No.32, Chidambaram South Street,
Puliyankudi,
Kodayanallur Taluk,
Tenkasi District.



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14. A.R.R.Raghuraman,
Member of Legislative Assembly,
Sathur Assembly Constituency (204),
Door No.1-573-3, Pilliar Koil Street,
Vachakarapatty Village,
R.R.Nagar Post,
Virudhunagar District.

15. M.Jaganmurthy, MLA,
Member of Legislative Assembly,
Kilavaithinakuppam Assembly Constituency (45),
Old No.905, New No.736,
Gangai Amman Kovil Street,
Andarpet, Nemam Post,
Poonamallee Taluk, Tiruvallur District,
PIN - 600 124.

...Respondents

Prayer: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 5 not to allot either separate time slot or seating arrangements during the business hours of the 16th Tamil Nadu Legislative Assembly to the respondents 7 to 14, under the guise of opposition political parties akin to the actual political parties, from which they have factually contested and elected to the 16th Tamil Nadu Legislative Assembly and consequently direct the respondents 3 and 4 not to invite any other political party leaders for the meetings held under the caption of "Meeting of Representatives of all Legislature Parties of 16th Assembly in Tamil Nadu".

For the Petitioner : Mr.P.Srinivasan

For the Respondents : Mr.P.Muthukumar
Government Pleader
for respondent Nos.1, 3 to 6

ORDER

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

The grievance of the petitioner is that despite the private respondents 7 to 15 contesting the recent Assembly elections under either the DMK symbol or the AIADMK symbol, they have been allotted seats in the Assembly as would be to members of opposition political parties. The petitioner claims that since the private respondents 7 to 14 contested the election under the DMK symbol, it would be an anomaly to accord them the status of



opposition in the Assembly. As far as the fifteenth respondent is concerned, the petitioner says that such person should be clubbed with the AIADMK members in the Assembly and not given any separate status.

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2. As to the status to be accorded to members of a Legislative Assembly and how they would sit in the Assembly are matters within the exclusive domain of the Speaker and may not, ordinarily, be justiciable.

3. It is only an anomaly that the petitioner complains of. No case of illegality has been made out. It is one thing to contest an election under a party symbol and another to be allotted seats in the Assembly, which is the prerogative of the Speaker of the House.

4. The 'Lakshman Rekha' in such regard has to be assiduously maintained. Courts cannot barge in and interfere with matters of how members in the Assembly would be allotted seats in the House or would be accorded treatment by the Speaker.

5. There does not appear to be any element of public interest or any scope for the court to interfere in respect of the matters complained of.

6. W.P.No.18217 of 2021 is dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Secretary to the Tamil Nadu State Legislative Assembly,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The Chief Election Commissioner of India,
Election Commission of India,
Nirvachan Sadan,
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Tamil Nadu State Legislative Assembly,
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Chennai - 600 009.
6. The Chief Electoral Officer of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai - 600 009.

+lcc to M/s.G.R.Associates, Advocate, S.R.No.44212
+lcc to M/s.Srinivasan, Advocate, S.R.No.44168
+lcc to the Government Pleader, S.R.No.44299

W.P.No.18217 of 2021

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NSK 14/09/2021