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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.No.19868 of 2021

and W.M.P.Nos.21129, 21131, 21132 and 21133 of 2021

B.Ramkumar Adityan

...Petitioner

-vs-

- 1 The Chief Election Commissioner
O/o Election Commission of India
Nirvachan Sadan, Ashoka Road
New Delhi - 110 001.
2. Presidium Chairman / Head Quarters Secretary
All India Anna Dravida Munnetra Kazhagam
No.226/275, Avvai Shanmugam Salai
Lloyds Road, Royapettah, Chennai 600 014.
- 3 Party Organising Secretary
All India Anna Dravida Munnetra Kazhagam
No.226/275, Avvai Shanmugam Salai
Lloyds Road, Royapettah, Chennai 600 014.
- 4 Mr.O.Panneerselvam
S/o Mr.Ottakkara Thevar
Coordinator and Treasurer
All India Anna Dravida Munnetra Kazhagam
No.31, Thenpennai, Greenways Road
Chennai - 600 028.
- 5 Mr.Edappadi K Palanichami
S/o Mr.Karuppa Gounder
Joint Coordinator cum Head Quarters Secretary
All India Anna Dravida Munnetra Kazhagam
Sevvanthi, NB9, P.S.Kumarasamy Raja Salai
Chennai - 600 028.
- 6 Mr.S.Semmalai
S/o Mr.Chemba Gounder
No.311-A, Alaghu Vinayagar Street
Azhagapuram, Salem - 636 004.



7 Smt.V.K.Sasikala
W/o Mr.Natarajan
No.179, Habibullah Road
Thyagaraya Nagar
Chennai - 600 017.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the Respondent No.1 with respect to the original impugned order in F.No.56/02/2017/LET/EC1/FUNC/PP/PPS-II/666 dated 04.05.2018 obtained from the 1st respondent through Email on 19.08.2021 and quash the same as illegal and consequently direct the 1st respondent to direct the respondents No.2 to 7 to strictly adhere all the provisions of the Rules and Regulations, the constitution of the AIADMK Party available with 1st respondent on 05.12.2016 while conducting Organisational Election.

For the Petitioner : Mr.S.Sankar

For the Respondents : Mr.G.Rajagopal, Senior Counsel
- for R1
Mr.Vijay Narayan, Senior Counsel
- for R2 to R6

ORDER

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

The petitioner's claim is that the Election Commission of India has taken on record an authenticated copy of the completed constitution submitted on behalf of the All India Anna Dravida Munnetra Kazhagam. The petitioner has launched the present proceedings in public interest on the ground that the Election Commission was completely flawed in such regard.

2. The relevant letter issued by the Election Commission is dated May 4, 2018. The relevant political party was in power in this State till early this year and since May 4, 2018, such political party has contested in the 2019 Lok Sabha elections and the 2021 Assembly elections, apart from other elections, including by-elections, in the mean time. For a start, the grievance appears to have been carried at a rather belated stage. More importantly, however, the assertion of the petitioner that the constitution was not appropriately prepared or that the same may have been in derogation of the Rules governing the relevant party, cannot be countenanced. The Election Commission may not have much to do with the internal affairs of any political party except to ascertain which office-



bearers of a recognised political party may be acknowledged as the proper representatives of such party. Once an authorised representative of a recognised party communicates with the Election Commission, the Election Commission ought, ordinarily, to accept the decision communicated as the decision of the relevant recognised party. In other words, it is only a ministerial act which is performed by the Election Commission in taking on record the decision of a recognised political party as communicated to such Commission by a person who is an authorised representative of the relevant party. In such a scenario, the Election Commission is not required to apply its mind or go into any degree of assessment to ascertain the veracity of the document or its adherence to the Rules governing such political party.

3. If at all, the grievances of the petitioner have to be carried by way of a civil suit. At any rate, grievances of such nature ought first to be attempted to be resolved within the domestic forum and, in the event there is any legal infraction which is complained of, the same may be carried to a civil court in accordance with law.

4. There does not appear to be any element of public interest in the matter as it is confined to a political party. In any event, the ministerial action on the part of the Election Commission in taking on record the completed constitution of the relevant party upon the same being forwarded by an authorised representative of the party does not appear to be out of order.

Accordingly W.P.No.19868 of 2021 is dismissed even though the petition may have been filed by the petitioner claiming to be a primary member of the relevant party. W.M.P.Nos.21129, 21131, 21132 and 21133 of 2021 are closed. There will be no order as to costs.

Sd/-

Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

sra/kst

To:

- 1 The Chief Election Commissioner
O/o Election Commission of India
Nirvachan Sadan, Ashoka Road
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W.P.No.19868 of 2021

LN(CO)
LS(24/09/2021)