



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 3RD DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

O.A. No. 637 of 2021

in

Election Petition No.8 of 2021

ELP No.8 of 2021

P.Milany

S/o. Ponnuram,

No.7-5-5/9, Sanjay Gandhi,

1st Street, Palani Cheti patti,

Theni Taluk and District - 625 531. .

... Petitioner

-VS-

1. O. Panneerselvam,
S/o.Mr. Ottakara Thevar,
145/70, South Agraharam,
Thenkarai, Periyakulam - 625 601.
Theni District.
2. The Returning Officer/Assistant Commissioner (Excise),
200 - Bodinayakanur Assembly Constituency,
Theni District.
3. The Chief Electoral Officer
State of Tamil Nadu, Secretariat,
Chennai - 600 009.
4. Election Commission of India,
Represented by Chief Election Commissioner,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001. ...Respondents/Respondents

**O.A.No.637 of 2021:**

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1. The Returning Officer/Assistant Commissioner (Excise),
200 - Bodinayakanur Assembly Constituency,
Theni District.
2. The Chief Electoral Officer
State of Tamil Nadu, Secretariat,
Chennai - 600 009.
3. Election Commission of India,
Represented by Chief Election Commissioner,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001. ...Applicants/2nd to 4th Respondents
-Vs-
1. P.Milany,
S/o. Ponnuram,
No.7-5-5/9, Sanjay Gandhi,
1st Street, Palani Cheti patti,
Theni Taluk and District - 625 531. ...1st Respondent/Petitioner
2. O. Panneerselvam,
S/o.Mr. Ottakara Thevar,
145/70, South Agraharam,
Thenkarai, Periyakulam - 625 601.
Theni District. ...2nd Respondents/1st Responden

This Original Application praying that this Hon'ble Court be pleased to permit the Applicants to release the Electronic Voting Machines used for the election in No.200 - Bodinayakanur Assembly Constituency, Tamil Nadu Challenged in the above Election Petition No.8 of 2021 for use by the Election commission of India.

The above Original Application coming on this day before this Court

in the presence of Mr.Niranjan Rajagopalan, Advocate for
<https://hcservices.ecourts.gov.in/hcservices/>

M/s.G.R.Associates advocates for the Applicants/ 2nd to 4th Respondents;



Mr.M.Joseph Thatheus Jerome, Advocate for the 1st Respondent/Election Petitioner herein; and upon reading the Judges Summon and affidavit of Mr.V.Sridhar filed herein; and

The court made the following order :

This application has been filed by the respondents 2 to 4 in the main Election Petition, namely, the Returning Officer/Assistant Commissioner (Excise), 200 – Bodinayakanur Assembly Constituency, Theni District, the Chief Electoral Officer and the Election Commission of India to permit the applicants to release the Electronic Voting Machines used for the elections in No.200 – Bodinayakanur Assembly Constituency, Theni District, Tamilnadu, which election is challenge in the above Election Petition, for use of the Election Commission of India.

2. The first respondent herein, filed the Election Petition to declare the election of the second respondent herein in the above mentioned Assembly Constituency, as null and void. In the above Election Petition, notice was ordered and the petition is pending.

3. In view of the pendency of the Election Petition, as per ECI guidelines/directions, the Electronic Voting Machines (EVMs) that are used in the above said Election are now preserved in the Office of the District Election Officer. Now, the Electronic Voting Machines are required to be used in other elections, hence, this petition.



4. Mr.Niranjan Rajagopalan, learned counsel for the applicants would submit that the present application has been filed mainly on the ground that, since the Election has been challenged in the Election petition, the applicants are not in a position to use the Electronic Voting Machine for another election. Further, he would submit that the Electronic Voting Machine is not in dispute in the Election petition, hence, the applicants may be permitted to release the Electronic Voting Machines enabling the authorities to use the same in the forthcoming elections.

5. The learned counsel appearing for the first respondent/Election petitioner has no objection for allowing this application.

6. Considering the above circumstances, this application is allowed. The applicants are permitted to release the Electronic Voting Machines, for use of the same in forthcoming elections. No costs.

WITNESS, THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS, AFORESAID THIS THE 3RD DAY OF DECEMBER 2021.

Sd/-

ASSISTANT REGISTRAR

Original Side – II

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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17/12/2021

OA.NO.637 OF 2021

in

ELP.NO.8 OF 2021

ORDER

DATED: 03.12.2021

THE HON'BLE MR. JUSTICE
V.BHARATHIDASAN

FOR APPROVAL: 20/12/2021

APPROVED ON : 20/12/2021