

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.19456 of 2020

S.Durai

... Petitioner

Vs.

1. Union of India
rep. by Secretary
Ministry of Law and Justice
New Delhi 110 001.
 2. The Election Commission of India
rep. by its Secretary
Nirvachansadan
Ashoka Road, New Delhi.
 3. The Chief Electoral Officer of Tamil Nadu
(Under RP Act 1951)
Election Commission of India
Secretariat, Fort St. George
Chennai 600 009.
- Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Certiorari calling for the records and quash the impugned Notification bearing S.O. 3786(E) dated 22.10.2019 which is called the Conduct of Elections (Amendment) Rules, 2019 and the consequential notification bearing No.52/2020/SDR/Vol.1 dated 03.10.2020 issued by the second respondent as illegal, ultra vires to the provisions of Representation of People Act, 1951 as unconstitutional for conducting free and fair election to keep uphold the principles of democracy.

For Petitioner

: Mr.R.Viduthalai, S.C.
For Mrs.A.V.Bharathi

For Respondents

: Mr.R.Sankaranarayanan
Additional Solicitor General
Assisted by
Mr.A.Kumaraguru, SPC
for respondent-1

Mr.Niranjana Rajagopalan
For M/s. G.R. Associates
for respondent 2 and 3

ORDER

(Made by the Hon'ble Chief Justice)

This petition pertains to absentee voters who are above the age of 80 years.

2. The principal ground urged to challenge the Election Commission's notifications to allow only voters above the age of 80 years to be afforded the privilege to vote by postal ballot and by not attending the polling booth is that the appropriate rule in the Conduct of Election Rules, 1961 has been amended by the Central Government to reduce the age of senior citizens from 80 years to 65 years.

3. The legal issue canvassed in the petition has already been extensively dealt with in W.P.No.20027 of 2020 and the judgment delivered thereon on March 17, 2021. Accordingly, W.P.No.19456 of 2020 is disposed of without any order and by leaving the petitioner free to apply in the event the petitioner has other grievances.

4. There will be no order as to costs. As a consequence, WMP Nos.24043, 24045 and 24048 of 2020 are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kpl

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To

1. The Secretary
Ministry of Law and Justice
New Delhi 110 001.
2. The Secretary
Election Commission of India
Nirvachansadan
Ashoka Road, New Delhi.
3. The Chief Electoral Officer of Tamil Nadu
(Under RP Act 1951)
Election Commission of India
Secretariat, Fort St. George
Chennai 600 009.

+1cc to M/s.G.R.Associates, Advocate, S.R.No.19468.

AK-II(CO)
CSR 30.04.2021

W.P.No.19456 of 2020



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