



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.14050 of 2021

M.Thiruvidamani

... Petitioner

Vs.

- 1.Election Commission of India,
Rep. by the Chief Election Commissioner,
Nirvachan Sadan,
New Delhi.
- 2.The Chief Electoral Officer of Tamil Nadu,
Secretary to Government,
Public (Election) Department,
Fort St. George, Chennai.
- 3.The District Collector,
Ramanathapuram District.
- 4.The Returning Officer,
212 Mudukulathur Assemble Constituency,
Mudukulathur,
Ramanathapuram District.
- 5.P.Sekar,
The Executive Magistrate,
FST-A2 Team, 212 Mudukulathur,
Assemble Constituency,
Mudukulathur,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to return the seized amount of Rs.6,00,000/- from the petitioner on 22.03.2021 by the fifth respondent-flying squad as a part of implementation of moral code of conduct at 212 Muthukulathur Assembly Constituency during General election for Tamil Nadu Legislative Assembly, 2021.

For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.R.Baskaran,

Counsel for State for R3

: Mr.Niranjana Rajagopalan for R1,R2 and R4



ORDER

The petitioner seeks the return of a sum of Rs.6,00,000/- which was seized from him on 22.03.2021 by the fifth respondent/flying squad during implementation of the moral code of conduct in relation to the Tamil Nadu Legislative Assembly Election, 2021.

2.The petitioner states that he is an agriculturist and that a sum of Rs.6,00,000/- was seized from him inside the premises of the Union Bank, Sayalkudi, Ramanathapuram on 22.03.2021. Upon such seizure, he filed an appeal before the District Collector on 23.03.2021. In spite of providing the necessary explanation, he states that the amount has not been released to him till date.

3.Mr.Niranjana Rajagopalan, learned counsel, appears on behalf of respondents 1, 2 and 4. He states that the role of the Election Commission of India is very limited once the electoral process is concluded. However, he points out that FIR No.128 of 2021 was registered in connection with the occurrence by the Sayalkudi Police Station. He states that a decision with regard to the release of the seized amount should be taken by the District Collector, Ramanathapuram.

4.Mr.R.Baskaran, learned counsel for the State, appears on behalf of the third respondent. He states that the representation of the petitioner would be considered and disposed of on merits within a reasonable time.

5.The sum of Rs.6,00,000/- has been seized as early as 22.03.2021. In view of the fact that a FIR has been registered, without doubt, such aspect and all other material aspects should be taken into account by the District Collector before taking a decision. At the same time, a sum of Rs.6,00,000/- is a large sum of money for an individual who claims to be an agriculturist. Therefore, such decision should be taken expeditiously.

6.Accordingly, without going into the merits of the matter, the third respondent is directed to consider the petitioner's representation dated 15.04.2021 and dispose of the same by a reasoned order within a period of 30 days from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner herein.

7.W.P.(MD).No.14050 of 2021 is disposed of on these terms without any order as to costs.

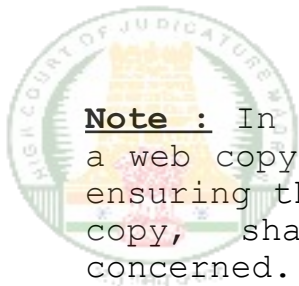
Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

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FST-A2 Team, 212 Mudukulathur,
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Mudukulathur,
Ramanathapuram District.

+1 CC to M/s.RAJA KARTHIKEYAN, Advocate (SR-27019[F] dated 24/08/2021)

+1 CC to M/s.The Special Government Pleader (SR-26930[F] dated 23/08/2021)

W.P (MD) No.14050 of 2021
19.08.2021

RS (01.09.2021) 3P 8C