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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Date of Decision : 12th January, 2021

+ W.P.(C) 381/2021

C RAJASHEKARAN

..... Petitioner

Through: Mr. Rakesh Talukdar and
Mr. Abhimanyu Tewari, Advocates

versus

ELECTION COMMISSION OF INDIA

..... Respondent

Through: Ms. Suruchi Suri, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

: **D. N. PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

CM APPL. 1003/2021(exemption)

Allowed, subject to all just exceptions.

The application is disposed of.

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1. This Public Interest Litigation has been preferred for the following prayers :-

“A. Issue a writ of mandamus to the Respondent Election

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Commission of India, directing them to formulate and notify a Model Procedure for Elections with respect to intra-party elections in the spirit of Letter No.No.56/Gen./96-Judl.II/dated 13.08.1996 issued by the Respondent Commission, and

B. Issue a writ of mandamus to the Respondent to formulate and issue appropriate orders, mandating the incorporation of the Model Procedure for Elections so formulated to be incorporated into the Constitutions of all political parties in the spirit of Letter No.No.56/Gen./96-Judl.II/dated 13.08.1996 issued by the Respondent Commission, and

C. Issue a writ of mandamus to the Respondent, directing them to appoint external observers to ensure adherence to the Model Code of Elections so formulated by political parties registered with the Respondent under Section 29A of the Representation of People's Act, 1951 in the spirit of Letter No.No.56/Gen./96-Judl.II/dated 13.08.1996 issued by the Respondent Commission, and

D. Issue a writ of mandamus to the Respondent to formulate and issue appropriate orders, directing all political parties to strictly adhere to the Model Code of Elections with respect to intra-party elections in the spirit of Letter No.No.56/Gen./96-Judl.II/dated 13.08.1996 issued by the Respondent Party, and take appropriate action for the failure to adhere to the same, and

E. Pass any such orders as it deems fit.”

2. Counsel appearing for the petitioner submits that it would suffice if the present writ petition is disposed of with a direction to the respondent to decide the legal notice sent by the petitioner, dated 24th November, 2020 (which is Annexure P-11 to the memo of this writ petition).

3. In view of this limited submission, we hereby direct the respondent to

decide the legal notice dated 24th November, 2020 (Annexure P-11), in accordance with law, Rules, Regulations and Government Policies applicable to the facts of the case.

4. With this direction, this writ petition is hereby disposed of.

JANUARY 12, 2021
sr

CHIEF JUSTICE

JYOTI SINGH, J

