



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2965 of 2022

R.Murugaiyan

..Petitioner

Vs.

1. The Tamil Nadu State Election Commission
Election Commission Office
Koyambedu, Chennai - 600 107.
2. The Secretary
Tamil Nadu State Election Commission Department
Secretariat, Chennai - 600 009.
3. The Principal Election Commission (Panchayat)
Tamil Nadu State Election Commission
Koyambedu, Chennai 600 107.
4. The Election Officer
Annamalai Nagar Panchayat
Cuddalore District.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 10.02.2022 in accordance with law by providing adequate caution not to foist false case in order to conduct free and fair election in Ward No.6, Annamalai Nagar Panchayat, Cuddalore district in the ensuing panchayat election to be held on 19.02.2022 contested by the respondents herein.

For the Petitioner : Mr.R.Sankarasubbu

For the Respondents : Mr.R.Shunmugasundaram
Advocate General
Assisted by Mr.P.Muthukumar
State Government Pleader
For Respondents - 3 and 4

Mr.S.Sivashanmugam
Senior Council
for Respondents - 1 and 2



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

The writ petition has been filed seeking a direction to the Tamil Nadu State Election Commission to caution the police not to register false case against the petitioner during the course of the election.

2.The petitioner apprehends that a false case may be registered against him as he belongs to the opposite party. However, no material has been placed on record by the petitioner, for such apprehension.

3.During the course of argument, learned counsel for the petitioner submits that the police is not allowing him to move freely for campaigning and therefore, a representation was made. We do not find any allegation in the representation as to the interference of police in the free movement of the petitioner for campaigning. Rather, the writ petition has been filed apprehending registration of a case against the petitioner. Though the elections are scheduled to be held on 19.02.2022, till date, that is, 16.02.2022, no case has been registered against the petitioner.

4.In view of the aforesaid, we find no ground for the apprehension of the petitioner that a false case would be registered against him, unless the petitioner commits an offence and as such, there cannot be a restraint order to the police for registration of a case against the petitioner.

5.In totality, we find no substance in the writ petition and the same is, accordingly, dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar(

//True Copy//

Sub Assistant Registrar

kpl/drm

To:

1. The Tamil Nadu State Election Commission
Election Commission Office
Koyambedu, Chennai - 600 107.



2. The Secretary
Tamil Nadu State Election Commission
Department
Secretariat, Chennai - 600 009.

3. The Principal Election Commission (Panchayat)
Tamil Nadu State Election Commission
Koyambedu, Chennai 600 107.

4. The Election Officer
Annamalai Nagar Panchayat
Cuddalore District.

+1cc to M/s.R.Sankarasubbu, Advocate, S.R.No.10178

+1cc to the Government Pleader, S.R.No.10307

W.P.No.2965 of 2022

RGN(CO)
RGA(24/02/2022)