



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM :

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

W.P.No.3296 of 2022

M.Kavitha

...Petitioner

Vs

- 1.The State, Rep. by
The State Election Commissioner,
Jawaharlal Nehru Road,
Arumbakkam, Chennai.
- 2.The District Election Officer cum
District Collector, Chengalpattu,
Chengalpattu District.
- 3.The Election Officer,
Thirukalukundram Municipality,
Thirukalukundram Taluk,
Chengalpattu District.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to consider petitioner's representation dated 10.02.2022 to monitor the election under observation of 2nd respondent and recording the vote polling & vote counting center under surveillance of camera and any objection or contradiction for vote counting arose any party authorized stop the counting and seal polling box immediately in my contest 11th Ward, Thirukalukundram Municipality, Thirukalukundram Taluk, Chengalpattu District in accordance with law and conduct the election free and fair.

For the Petitioner : Mr.K.Duraimurugan
For the Respondents : Mr.S.Sivashanmugam
Stdg. Counsel for R-1
: Mr.R.Shumugasundaram
Advocate General
Assisted by Mr.P.Muthukumar
State Govt. Pleader for RR 2 & 3



ORDER

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

The writ petition has been filed to consider the petitioner's representation dated 10.02.2022 and to direct the second respondent to monitor the ensuing local body election scheduled to be held on 19.02.2022 under the surveillance camera and by recording the entire election process in Ward No.11 of Thirukalukundram Municipality in order to conduct free and fair election in accordance with law.

2. The writ petition has been filed without a copy of the circular in Letter Rc.No.2968/2019/EG-B1 dated 10.1.2022 issued by the Tamil Nadu State Election Commission on the subject matter and also the order of this Court dated 03.01.2022 in W.P.No.27138 of 2021 whereby a direction, as prayed, has already been issued.

3. In view of the above, it is an unnecessary petition and that too for no reason when the direction sought for by the petitioner has already been issued. Filing of unnecessary litigations is to be deprecated by this Court, as, otherwise, it would take a toll on the pending litigations, which need to be given priority.

4. The circular issued by the Tamil Nadu State Election Commission dated 10.1.2022 has not been referred as also the order of this Court dated 03.1.2022 in W.P.No.27138 of 2021, where appropriate directions have already been given. In view of the same, the writ petition is dismissed as an unnecessary petition with cost of Rs.5,000/- (Rupees five thousand only). The cost shall be paid to the Tamil Nadu State Legal Services Authority, Chennai within a month and a compliance report shall be filed. It is made clear that if the compliance is not made within the time stipulated, the writ petition shall be listed for taking appropriate action for non compliance.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

sra

To:

1.The State Election Commissioner,
Jawaharlal Nehru Road,
Arumbakkam, Chennai.



2.The District Election Officer cum
District Collector, Chengalpattu,
Chengalpattu District.

3.The Election Officer,
Thirukalukundram Municipality,
Thirukalukundram Taluk,
Chengalpattu District.

Copy To

1.The Officer Incharge,
The Tamilnadu State Legal Service Authority,
Chennai.

2.The Registrar (Judicial)
High Court, Madras.

3.The Section Officer,
Writ Section,
High Court, Madras.

+1cc to M/s.K.Duraimurugan, Advocate Sr.No.10583

+1cc to the Government Pleader Sr.No.10798

W.P.No.3296 of 2022

NK(CO)
RVM(23/02/2022)