



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

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

W.P.No.3910 of 2022

Ponsakthivel

.. Petitioner

Vs.

1. The Secretary
Governor's Secretariat
Raj Bhavan
Guindy
Chennai 600 022.
2. The Government of Tamil Nadu
rep. by the Principal Secretary to Government
Dept. of Municipal Administration & Water Supply
Secretariat
Chennai 600 009.
3. The Director General of Police
Government of Tamil Nadu
Chennai.
4. The Election Commission of Tamil Nadu
rep. by Tamil Nadu State Election Commissioner
No.208/2, Jawaharlal Nehru Road
Opp. to CMBT, Arumbakkam
Chennai 600 106.
5. The Commissioner of Municipal Administration
Ezhilagam
Chepauk
Chennai 600 005.
6. The District Collector
Virudhunagar District
Virudhunagar.
7. The Election Officer
O/f. The Commissioner
Sivakasi Corporation Office



Virudhunagar District.

8. The Superintendent of Police
Virudhunagar District
Virudhunagar.

9. The Deputy Superintendent of Police
Sivakasi
Virudhunagar District.

10. The Revenue Divisional Officer
Sivakasi
Virudhunagar District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents herein to appoint Independent Central Government Officials in the counting centre of Urban Local Body Election-2022 with the help of independent Observers of the Central Government and Central Police Force instead of officials working under the Tamil Nadu State Government and also videograph the entire counting proceedings to ensure free and fair counting of Urban Local Body Election 2022 for all 48 Wards in the Sivakasi Corporation by considering the petitioner representation dated 19.02.2022 within the period that may be stipulated by this Court.

For the Petitioner : Mr.E.Marees Kumar

For the Respondents : Mr.R.Shunmugasundaram
Advocate General
Assisted by
Mr.P.Muthukumar
State Government Pleader
for respondents 1,2,5-7&10

Mr.Hassan Md. Jinnah
Public Prosecutor
Assisted by
Mr.A.Gopinath
Govt. Advocate (Crl. Side)
for respondents 3, 8 & 9

ORDER

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

The writ petition has been filed seeking a direction for the appointment of an independent Observer of the Central Government and the Central Police Force, instead of the



officials working under the Tamil Nadu State Government and for videograph the entire counting proceedings to ensure free and fair counting of votes.

2. The prayer has been made after the completion of election, as the election has already taken place on 19.02.2022 and the counting is scheduled on 22.02.2022. No prayer for appointment of an independent Observer was made till the casting of votes. The prayer to videograph the counting of votes has been made, despite an order of this Court, followed by the guidelines issued by the State Election Commission to cover the counting and declaration of result in CCTV camera.

3. Learned counsel for the petitioner prays for police protection to the petitioner, as, on declaration of results, some mishap may take place. This Court asked the petitioner about any mishap till date. Learned counsel for the petitioner submits that no mishap has taken place till date. However, referring to a news clipping, he submits that some pressure was exerted by the Deputy Collector on some candidate. Reference to it has been made without verification of facts, but based on a news clipping only. It is also not known to the petitioner as to whether the candidate concerned, who was alleged to be threatened, has lodged a complaint or not.

4. In view of the above, the credence to the news cannot be given without proper verification of facts and it is not otherwise a public interest litigation. If a candidate suffers from any illegal treatment, he can take the recourse of the law and for that, initially he can lodge a complaint. But, as far as the petitioner is concerned, it is admitted that no mishap has taken place against him and there is no allegation of threat to the petitioner.

5. In the light of the aforesaid, the prayer for the grant of police protection cannot be accepted. Otherwise, similar prayer would be made by every candidate, while the police force would be busy to safeguard the areas where the ballot boxes have been stored or kept in custody till the counting and declaration of the results.

6. Finding no merit, the writ petition is dismissed. Consequently, WMP No.4059 of 2022 is also dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



kpl/drm

To:

1. The Secretary
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Raj Bhavan, Guindy
Chennai 600 022.
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MG (CO)
SB(25/02/2022)