



W.P.(MD)No.3682 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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and W.M.P. (MD) No.3201 of 2022

1. K.Sundaralingam
2. S.Nirosha
3. S.Ramesh
4. R.Radhika
5. N.Muthalaghu
6. K.Vadivel Murugan
7. M.Ayyappan
8. Lavanya
9. P.Akilakumari
- 10.S.Rethinam
- 11.S.Kamalakannan
- 12.M.Vigneshwari
- 13.Nithya
- 14.P.Gomathy
- 15.Dhanalakshmi

.. Petitioners

vs

1. The Chief Commissioner,
The Tamilnadu State Election Commission,
No.208/02, Jawaharlal Nehru Salai,
(Opp. to Koyambedu Bus Terminus),
Arumbakkam, Chennai 600 006.



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2. The Director General of Police,
No.1, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.
3. The District Collector/ District
Election Officer, Sivagangai,
Sivagangai District.
4. The Superintendent of Police,
Sivagangai, Sivagangai District.
5. The Commissioner/Election Officer,
Devakottai Municipality,
Devakottai, Sivagangai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to take necessary action to conduct the scheduled Indirect Election of Devakottai Municipality for the post of Chairman and Vice Chairman going to be held on 04.03.2022 in a proper manner and it should not be postponed for any reason.

For the Petitioners	:	Mr.Vijay Narayan Senior Counsel for Mr.Bharathi Kannan KR
For the Respondents	:	Mr.S.Sivashanmugam Stdg. Counsel for R-1
	:	Mr.Hasan Mohammed Jinnah Public Prosecutor for RR3 and 5
	:	Mr.R.Shunmugasundaram Advocate General assisted by Mr.A.Gopinath, Govt. Advocate (Crl. Side) for RR 3 and 5

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ORDER

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

The writ petition has been filed apprehending postponement of the indirect election of Devakottai Municipality for the post of Chairman and Vice-Chairman scheduled to be held on 04.03.2022.

2. The learned senior counsel appearing for the petitioner has made a reference to the order dated 25.02.2022 passed by the Madurai Bench of this Court in W.P.(MD)No.3717 of 2022 for grant of protection to the petitioners, but apprehending postponement of the election, this writ petition has been filed.

3. The learned counsel appearing for the State Election Commission submits that the election would be conducted on the scheduled date and it would be under the CCTV surveillance as per the guidelines given by the State Election Commission. There is no proposal for postponement of the election. The prayer is,



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accordingly, for dismissal of the writ petition filed under unfounded apprehension.

4. The learned Advocate General appearing for the State submits that the writ petition has not been filed with clean hands, rather, the petitioners have suppressed the fact regarding pendency of criminal case against some of them on the allegation of kidnapping a Ward Member and therefore, on the aforesaid ground itself, the writ petition may be dismissed, as otherwise, the petitioners have to save themselves from arrest.

5. We have considered the rival submissions of the parties and perused the records.

6. The learned senior counsel for the petitioners has given the background under which the writ petition has been filed. It is after filing the writ petition to seek protection, the petitioners apprehended that after the declaration of the result of the election, there is likelihood of some disturbance. The Bench of Madras High



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Court has passed a detailed order on 25.02.2022 to give protection to the petitioners. Thus, there was no reason for the petitioners to apprehend postponement of the election and now that would not be in view of the statement of the learned counsel for the State Election Commission that the election would be conducted on the scheduled date of 04.03.2022 and even be covered under CCTV camera. At this stage, the learned senior counsel for the petitioners submits that let the election be videographed.

7. We have considered the aforesaid aspect. Finding that in the urban local body elections, as per the directions of the Court and the guidelines issued by the State Election Commission, the events were captured by CCTV camera, thus, for the present election, we would not like to deviate from such guidelines and the directions issued by this Court. However, the election would remain under CCTV camera on the scheduled date.

8. So far as the allegation made by the learned Advocate General is concerned, the issues raised therein cannot prevail on



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the issuance of a direction because the writ petition has been filed simply apprehending postponement of election and not for any other purpose and otherwise, law should take its own course.

Accordingly, we close the writ petition with reference to the statement of the learned counsel for the State Election Commission, however, with the direction to all the parties to maintain peace during the course of election and if anyone indulged in any illegal activity, the same may be brought to the notice of the Court at the Madurai Bench for appropriate orders. There will be no order as to costs. Consequently, W.M.P. (MD) No.3201 of 2022 is closed.

(M.N.B., CJ.) (D.B.C., J.)
28.02.2022

Index : Yes/No
sra



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M.N.Bhandari, CJ.
and
D.Bharatha Chakravarthy, J.

(sra)

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