



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.NO.27138 OF 2021

All India Anna Dravida Munetra Kazhagam,
rep. by its Party Organizational Secretary,
D.Jayakumar, No.226, Avvai Shanmugam Salai,
Royapettah, Chennai 600 014.

.. Petitioner

vs

1. Tamil Nadu State Election Commission,
Rep. by Tamil Nadu State Election
Commissioner, No.208/2, Jawaharlal
Nehru Road, Opp. To CMBT,
Arumbakkam, Chennai 600 106.
2. The Principal Secretary,
Government of Tamil Nadu,
Department of Municipal Administration
and Water Supply, Fort St. George,
Secretariat, Chennai 600 009.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent to adhere and implement the necessary directions including the directions issued by the Election Commission of India from time to time to ensure the free and fair conduct of Urban Local Bodies elections to be held in the State of Tamil Nadu or other directions as this Court may deem fit in the facts and circumstances of the case.



WEB COPY

For the Petitioner : Mr.Vijay Narayan
Senior Counsel
for Mr.K.Gowtham Kumar

For the Respondents : Mr.S.Sivashanmugam
for R-1

: Mr.R.Shunmugasundaram
Advocate-General
assisted by
Mr.P.Muthukumar
State Govt. Pleader
for R-2

ORDER

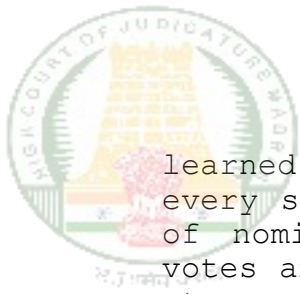
(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The writ petition has been filed seeking a direction on the respondent no.1 to strictly adhere to the guidelines issued by the State Election Commission (though wrongly mentioned as the Election Commission of India in the prayer clause) and ensure free and fair election of the Urban Local Bodies in the State of Tamil Nadu.

2. Before filing the writ petition, a detailed representation was given by the petitioner to the State Election Commission. It is to ensure free and fair election of the Urban Local Bodies. It is submitted that despite a detailed representation, the State Election Commission has failed to take a decision on it and therefore, the petitioner was forced to file the present writ petition.

3. The learned Senior Counsel, Mr.Vijay Narayan, appearing for the petitioner has drawn attention of this Court to the earlier judgment in respect to the election of the Urban Local Bodies in the year 2011. It is submitted that similar directions be issued for the ensuing elections of the Urban Local Bodies. The emphasis was for coverage of every stage of the election under the CCTV camera so that if any unfairness is committed by the officers involved in conducting the election, it can be a ground for challenge to the election. The prayer was, accordingly, to issue either similar directions as were given by this Court earlier for the 2011 election or as prayed in the representation made by the petitioner before filing the writ petition.

4. The learned Senior Counsel for the petitioner, while concluding the arguments, further made a request to issue directions on the State Election Commission to cover every stage



learned counsel appearing for the Commission has agreed to cover every stage of the election under CCTV, which is from the stage of nomination by the candidates, followed by polling of the votes and thereupon, keeping the boxes under safe custody in the strong room and finally, the stage of counting of votes and declaration of results. In fact, the State Election Commission has agreed to cover the entire election process under CCTV to have free and fair elections.

***10. In view of the above, no discussion is required to be made and accordingly, we dispose of this writ petition with a direction to the respondent State Election Commission to ensure compliance of the guidelines issued by them for holding free and fair election of the Urban Local Bodies in the State of Tamil Nadu. The State Election Commission would cover the election under the CCTV from the stage of nomination by the candidates, followed by the polling of votes and after the polling, the area of the strong rooms inside and outside should also be covered by CCTV, apart from counting of votes and declaration of results thereupon. There will be no order as to costs.**

Sd/-
Assistant Registrar(CS-III)
(07.01.2022)

***Para 10 of the order dated 03.01.2022 deleted and substituted as per order of this Court dated 16.02.2022 made in WMP.No.2921/2022 in WP.No.27138/2021**

Sd/-
Assistant Registrar(CS-II)
(22.02.2022)

//True Copy//

Sub Assistant Registrar

sra

To:

1. The Tamil Nadu State Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opp. To CMBT, Arumbakkam,
Chennai 600 106.

***Corrected
order to be
substituted to the
order already
despatched on
11.01.2022**



2. The Principal Secretary,
Government of Tamil Nadu,
Department of Municipal Administration
and Water Supply, Fort St. George,
Secretariat, Chennai 600 009.

+1cc to the Government Pleader, S.R.No.343

W.P.No.27138 of 2021

KSM(CO)
RLP(10/01/2022)
PM/23/02/2022