



W.P.(MD) No.26943 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.26943 of 2022

K.K.Ramesh

.. Petitioner -in
Person

Vs

1.The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan
Ashoka Road,
New Delhi-110 001.

2.The Chief Election Officer (CEO),
Tamilnadu,
Fort St. George, Secretariat,
Chennai-600 009.

3.The District Collector,
Madurai District,
Madurai-20.

4.The Commissioner,
Madurai Corporation,
Arignar Anna Maaligai,
Madurai-2.



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5. The Election Officer and Assistant Commissioner,
Madurai Corporation,
192, Madurai South Assembly Constituency,
Zone No.3, Madurai East Corporation,
Madurai-9.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st and 2nd respondents to instruct the respondents 4 and 5 to refund the deposit money of Rs.10,000/- with interest, Tamil Nadu Assembly General Election, 2021, No.192, Madurai South Constituency by considering the petitioner's representation dated 4.11.2022.

For the Petitioner : Mr.K.K.Ramesh
Petitioner-in-person

For the Respondents : Mrs.R.Anitha
Spl. Government Pleader
for respondent Nos.2 and 3

ORDER

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

K.K.Ramesh, son of K.R.Kuppusamy Iyer, has filed this writ petition seeking issuance of a writ of mandamus under Article 226 of the Constitution of India to direct respondents 1 and 2 to instruct respondents 4 and 5 to refund the deposit money of Rs.10,000/- with interest on the basis of his representation dated 4.11.2022.



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2. The petitioner filed an application as an independent candidate on 18.3.2021 for contesting in the Tamil Nadu Assembly Election, 2021, Madurai South No.192, by depositing an amount of Rs.10,000/-. Subsequently, the petitioner withdrew his application on 22.3.2021 on the ground that the Election Commission did not take any action with regard to cash for vote. The petitioner, thereafter, sent a representation to the Election Officer, 192 Madurai South Assembly Constituency Zone No.3, Madurai Corporation, Madurai, to refund the deposit amount of Rs.10,000/-. However, till date the said amount has not been refunded to the petitioner. Hence, he has been advised to file this writ petition.

3. Mrs.R.Anitha, learned Special Government Pleader, takes notice on behalf of respondents 2 and 3 and submits that the petitioner is entitled to refund of the deposit amount of Rs.10,000/- and the fifth respondent may be directed to consider the case of the petitioner.



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4. In view of the above, we direct the petitioner to submit a fresh representation to the fifth respondent within two weeks from the date of receipt of a copy of this order seeking refund of the deposit amount, by enclosing a copy of this order. On receipt of such representation, the fifth respondent shall pass appropriate orders within two weeks therefrom.

The writ petition is disposed of accordingly. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
07.12.2022

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