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W.P.No.5101 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

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THE HONOURABLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5101 of 2023

Marumalarchi Makkal Iyakkam,
Covai, Rep. by its President V.Eswaran
40/3, Sengappa Konar Street,
Kurichi Sundarapuram,
Coimbatore – 641 024.

.. Petitioner

Versus

- 1.The Union of India,
Rep. by its Secretary to Government,
Public (Elections) Department,
New Delhi – 110 001.
- 2.The State of Tamil Nadu,
Rep. by its Chief Secretary,
Secretariat, Fort St. George,
Chennai – 9.
- 3.The Election Commission of India,
Rep. by its Chief Election Commissioner,
Nirvachan Sadan,
Ashoka Road,
New Delhi – 110 001.
- 4.The Chief Electoral Officer,
Public (Elections) Department,
Secretariat, Fort St. George,
Chennai – 9.



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5. The Election Officer,
Erode East Assembly Constituency,
Erode.

.. Respondents

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Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus directing the respondents to appoint a committee consisting of a retired High Court Judge, IAS Officers from other State, Officers of Enforcement Department and CBI officers to monitor the investigation of election related offences and probe into the irregularities of Erode East Constituency by election and submit a report by considering the petitioner's representation dated 31.01.2023.

For Petitioner : Mr.N.Ponraj

For R1 & R3 : Mr.R.Niranjan Rajagopalan
for M/s.G.R.Associates

For R2, R4 & R5 : Mr.R.Shunmugasundaran, Advocate General
Assisted by Mr.P.Muthukumar, State Govt. Pleader

ORDER

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

The prayer of the petitioner to direct the respondents to appoint a Committee consisting of a retired High Court Judge, I.A.S. Officers from other States, Officers of Enforcement Department and CBI officers to monitor and probe into the irregularities of Erode East Constituency by-election based on their representation dated 31.01.2023, cannot be entertained, since a similar matter has already been decided and detailed order has been passed by this Court in W.P.No.4789 of 2023, dated 20.02.2023, by recording the steps taken by the Election Commission of India to make the by-election as a free and fair election.



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2. Therefore, since the relief sought for by the petitioner has already been considered, nothing survives in this writ petition for further adjudication and accordingly, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

(T.R., ACJ.) (D.B.C., J.)
21.02.2023

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To

1. The Secretary to Government,
Union of India,
Public (Elections) Department,
New Delhi – 110 001.
2. The Chief Secretary,
Secretariat, Fort St. George,
Chennai – 9.
3. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi – 110 001.
4. The Chief Electoral Officer,
Public (Elections) Department,
Secretariat, Fort St. George,
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THE HON'BLE ACTING CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.
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