



W.P.No.5876 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.5876 of 2023

A.Ravi

.. Petitioner

Vs.

1. Election Commission of India
Rep. by the Chief Election Commissioner of India
Nirvachan Sadan, Ashoka Road
New Delhi 110 001.

2. State of Tamil Nadu
Rep. by its Chief Electoral Officer (CEO) &
Principal Secretary to Government
Public (Elections) Department
Secretariat
Fort St. George
Chennai 600 009.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India
praying for a writ of Mandamus directing the respondents to take
appropriate enforcement action against detainment of voters in
illegally erected sheds and other halls throughout the Erode (East)

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Constituency for distribution of money and freebies to ensure the conduct of free and fair elections.

For the Petitioner : Mr.Mutharasu
For Mr.Vinod Vimal Raj

For the Respondents : Mr.G.R.Niranjan Rajagopalan
for Respondent-1

Mrs.R.Anitha
Special Government Pleader
for Respondent-2

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed seeking a direction to the respondents to take appropriate action for detainment of voters in illegally erected sheds and other halls throughout the Erode (East) Constituency for distribution of money and freebies to ensure the conduct of free and fair elections.

2. According to the petitioner, after the announcement of bye-election to the Erode East Assembly Constituency, the members of the ruling party are distributing cash, liquor and other articles and that they have established more than 150 temporary sheds throughout the



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Constituency and confined voters in huge numbers till evening by providing food and liquor, in order to ensure that they do not meet any other party candidates. Further, to influence the voters, they distribute cash through various nodal centres. Therefore, pointing out the illegalities and to ensure free and fair election, the petitioner made a representation to the respondents on 16.02.2023. As no action has been taken on the same, the petitioner has come up with the above writ petition.

3. Learned counsel for the petitioner submitted that when the voters are detained in temporary sheds and provided with money to cast votes, a free and fair election cannot be expected to be held and that the inaction on the part of the respondents is arbitrary.

4. Learned Standing Counsel for the Election Commission produced the written instructions and submitted that there were 163 campaign sheds and not 150 sheds as alleged by the petitioner and that out of 163 sheds, 107 sheds were erected after obtaining permission and thus, they are functioning and out of the balance 56



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sheds, 14 sheds were locked and sealed by FST Team and 42 sheds were removed by the political parties themselves.

5. In view of the fact that suitable action has been taken by the respondents against the grievance of the petitioner, nothing survives in this writ petition. Accordingly, it is closed. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
24.02.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Chief Election Commissioner of India
Election Commission of India
Nirvachan Sadan, Ashoka Road
New Delhi 110 001.
2. The Chief Electoral Officer (CEO) &
Principal Secretary to Government
Public (Elections) Department
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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J

(kpl)

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