



W.P.No.241 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.241 of 2024

S.Parthiban

.. Petitioner

VS

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

2.The Tamil Nadu Chief Election Commissioner,
General Elections Department,
Secretariat,
Government of Tamil Nadu,
Chennai-600 009.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 and 2 to consider the petitioner's represented dated 26.08.2023 for enhance the Election Security Deposit amount for both State Assembly Elections and Parliamentary Elections.



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For the Petitioner : Mr.A.Ilayaperumal

For the Respondents : Mr.Niranjan Rajagopal
for respondent No.1

ORDER

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

We have heard Mr.A.Ilayaperumal, learned counsel for the petitioner; and, Mr.Niranjan Rajagopal for respondent No.1.

2. Learned counsel for the petitioner submits that directions be given to enhance the election security deposit amount for both the State Assembly Elections and Parliamentary Elections.

3. Learned counsel for the petitioner further submits that the candidates are spending crores of rupees for election. The amount of security deposit is too meager and if the amount of security deposit is increased, then that would help in the economic development.



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4. We do not find any public interest involved in the present writ petition. Under the statute i.e. the Representation of People Act, 1951 (for short, "*the Act of 1951*"), the amount of security deposit is fixed. Section 34 of the Act of 1951 deals with the amount to be deposited by the duly nominated candidate for the election. Under Section 34(1)(a) of the Act of 1951, a sum of Rs.25,000/- is required to be deposited by a candidate contesting the election from a Parliamentary constituency and under Section 34(1)(b) of the Act of 1951, a sum of Rs.10,000/- is required to be deposited by a candidate contesting the election from an Assembly or Council constituency. The amount to be deposited by a candidate belonging to the Scheduled Caste and Scheduled Tribe is half of the amount to be deposited by the candidate belonging to the general category.

5. In the light of the statutory provisions, no question arises of directing the representation of the petitioner to be decided. The statutory provisions are not the subject-matter of challenge. The present petition does not serve any public interest. The present writ



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petition certainly cannot be categorized as public interest litigation.

6. The writ petition is dismissed with costs. Costs in cause.

(S.V.G., CJ.)

(D.B.C., J.)

09.01.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

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