



W.P.(MD).No.7236 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD).No.7236 of 2024

Ezhilan

.. Petitioner

Vs.

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

2. The State Election Commissioner
Election Commission of Tamil Nadu
100 Feet Road, Jai Nagar
Arumbakkam, Chennai.

3. The Home Secretary
Department of Home Affairs
New Delhi.

4. The Home Secretary
Department of Home Affairs
Chennai.

5. Mukthar

6. Ponraj

7. A.K.George

.. Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records relating to the impugned notification with regard to Tamil Nadu General Elections to Lok Sabha 2024 dated 16.03.2024 and quash the impugned portion relating to date of polling and date of counting with regard to Tamil Nadu and advance the date of counting.

For the Petitioner : Ms.A.Rajini

For the Respondents : Mr.C.Kathiravan
Special Government Pleader
for R4

ORDER

(Made by the Hon'ble Chief Justice)

Heard Ms.A.Rajini, learned counsel for the petitioner and Mr.C.Kathiravan, learned Special Government Pleader for the fourth respondent.

2. The contention of the petitioner is that there is a long gap between the date of polling and the date of counting. The same is arbitrary, illegal and against the principles of natural justice.



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3. Learned counsel for the petitioner submits that directions may be given to change the date mentioned in the impugned notification and advance the date of counting with regard to the State of Tamil Nadu.

4. We do not find that the present petition espouses any public cause. It is merely in the nature of a publicity interest litigation. The date of polling and the date of counting has to be determined by the Election Commission of India. We asked the learned counsel for the petitioner the provision which mandates counting to take place within a particular time frame from the date of polling. The learned counsel for the petitioner candidly accepts that there is no such provision.

5. Nation wide elections are to be held. The Election Commission of India in its wisdom has fixed the dates. Phase-wise elections have been fixed and upon culmination of the last phase of the election, the date of counting is fixed. Heavy responsibility is cast on Election Commission to conduct free and fair election. The Election Commission has to consider various factors such as security, deployment of staff,



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training of staff and many more aspects. The petitioner is not prejudiced. It will not be for the court, in exercise of its jurisdiction under Article 226 of the Constitution of India, to interfere with the election programme.

6. The writ petition, as such, stands dismissed. There shall be no order as to costs. Consequently, W.M.P.Nos.6677 and 6678 of 2024 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

27.03.2024

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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