



WEB COPY

W.P.No.11444 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11444 of 2021
and
W.M.P.No.12163 of 2021

S.Surya Moorthi

... Petitioner

Vs.

The Union of India,
Rep by the Chief Election Commissioner,
Election Commission of India (ECI),
Nirvachan Sadan,
Ashok Road, New Delhi – 110 001.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent herein to issue necessary instructions to the All India Anna Dravida Munnetra Kazhagam (AIADMK) being the recognised political party to complete its internal party elections within a time limit and report the same before this Honourable court.



WEB COPY

W.P.No.11444 of 2



For Petitioner : Mr.S.Surya Moorthi
(party-in-person)

For Respondent : Mr.Niranjan Rajagopalan
for G.R.Associates

ORDER

The Writ of Mandamus has been instituted to direct the respondent herein to issue necessary instructions to the All India Anna Dravida Munnetra Kazhagam (AIADMK) being the recognised political party to complete its internal party elections within a time limit and report the same before this Court.

2. The petitioner appearing in person, Mr.S.Suriya Moorthy made a submission that he is a primary member of the All India Anna Dravida Munnetra Kazhagam (AIADMK) from 2008. His Membership Number in party is AIADMK 2008-A0008240. The petitioner states that he is a social service minded person and as a responsible person, filed the Writ Petition in the interest of political parties.

3. The grievance of the writ petitioner is that the All India Anna



Dravida Munnetra Kazhagam (AIADMK) has not conducted internal party elections as per its bye-laws and therefore, the Election Commission / respondent is bound to initiate action based on the complaint given by the petitioner. Since the Election Commission has not initiated any action, the present Writ Petition came to be instituted.

4. The learned Standing Counsel, Mr.Niranjan Rajagopalan appearing for the respondent would oppose the writ petitioner by stating that the Election Commission has no role in respect of the internal elections of political parties, which is being conducted as per the approved bye-laws. In the event of any dispute regarding symbol to contest the election, then alone the Election Commission normally interfere and adjudicate the issues in accordance with law. Regarding the internal political party election, “the member, if aggrieved has to approach the competent forum”. The learned Senior Counsel further submitted that in the present case, the Commission received an information that the AIADMK political party had conducted internal party election and the declaration of results were also communicated the Election Commission duly by the office bearers. While so, the writ petition is to be rejected.



WEB COPY

W.P.No.11444 of 2



5. The petitioner-in-person raises several allegations regarding the internal party elections conducted in AIADMK party. If at all any election dispute exist within a political party, an aggrieved person has to approach the competent civil court for the purpose of resolving the issues. Such disputed issues relating to internal political party elections cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Such disputes fall beyond the realm of the powers of judicial review of the High Court. The petitioner claims to be a primary member of the political party. He raises several allegations regarding the internal party elections. Therefore, the petitioner is at liberty to approach the competent civil court, if any grievance exist and the relief, as such sought for in the present Writ Petition is not maintainable.

6. Pertinently, the petitioner has not even impleaded the All India Anna Dravida Munnetra Kazhagam (AIADMK) as a respondent in the present writ proceedings. Any issue affecting the political party must be



made only by impleading them in the writ proceedings. Thus the Writ Petition is liable to be rejected on the ground of non-joinder of necessary party.

7. For all these reasons, this Court is not inclined to entertain this Writ Petition and consequently, the Writ Petition stands dismissed. Connected Miscellaneous Petition is closed. No costs.

06.02.2024

skr
Index : Yes
Speaking order

To

The Chief Election Commissioner, Union of India,
Election Commission of India (ECI),
Nirvachan Sadan, Ashok Road, New Delhi – 110 001.



WEB COPY

W.P.No.11444 of 2



S.M.SUBRAMANIAM, J.

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