



W.P.No.10738 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

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Dr.S K Saamy @ Dr.Saravanan KaruppaSaamy,
Chairman, Editor-in-Chief and CEO
World Human Rights Commission and Rescue Centre (WHRC),
Akila Ulaga Manitha Urmaikal Padhukappu Aanaiyam (AUMUPA),
No.11094, Tower 11, Prestige Bella Vista,
Iyyapanthangal,
Chennai-600 056.

.. Petitioner-in
Person

Vs

- 1.The Election Commission of India,
through its office of the Chief Election Commissioner,
Nirvachan Sadan, Ashoka Road,
New Delhi-110 001.
- 2.The Union Government of India,
through its Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi-110 001.
- 3.The State Government of Tamil Nadu,
through its Chief Electoral Officer and Principal Secretary
to Government Public (Elections) Department,
Secretariat, Chennai-600 009.



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4.A.Arun IPS,
Additional Director General of Police (Law & Order),
Tamil Nadu Police Department,
Office of the DGP,
Mylapore, Chennai-600 004.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing 1 to 3 respondents to conduct free and fair election to consider the petitioner complaint letter No.21 dated 4.4.2024 to remove/transfer the 4th respondent delinquent police officer accused A. Arun IPS from the superior post of Additional Director General of Police (Law and Order) Tamil Nadu Police Department with an immediate effect for complying the direction issued by the Hon'ble National Human Rights Commission and in obedience to the repeated orders passed by this Court in Writ Petition No.948 of 2013. The Division Bench in Writ Petition No.32041 of 2014 and Writ Appeal No.311 of 2018 so as to consider the petitioner representation in accordance with law to take final decision on or before the Parliamentary Lok Sabha Election 2024 to avoid unfair elections or biased activities of the fe delinquent police officers like A.Arun IPS to favour one particular political party guarded time limit may be fixed by this Court and to further direct the second respondent to provide adequate police protection to ensure to the petitioner to lead a threat free life for taking up this matter before the Hon'ble Court of law to take action against the high ranked, high influenced delinquent police officer A.Arun IPS who presently working in the Tamil Nadu Police Department.

For the Petitioner : Dr. S K Saamy @
Dr.Saravanan KaruppaSaamy
Petitioner-in-person

For the Respondents : Mr.G.Niranjan Rajagopal
for respondents 1 to 3



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ORDER

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

Heard Dr.S K Saamy @ Dr. Saravanan KaruppaSaamy, petitioner-in-person and Mr.G.Niranjan Rajagopal, learned counsel for respondents 1 to 3.

2. According to the petitioner, respondent No.4 is a person who favours one particular political party. He has been found guilty by the National Human Rights Commission and orders are referred to by the petitioner-in-person. Copies of FIRs are also filed and referred to by the petitioner-in-person.

3. It needs to be considered that the process of election, except polling, has come to an end. The polling is scheduled on 19.04.2024. The process of election had commenced more than one month back. The petitioner ought to have moved the Court much earlier, if the petitioner was desirous of getting the relief of



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shunting the fourth respondent from the place. At the eleventh hour, it will not be possible to direct the Election Commission of India to pass further orders with regard to the persons posted. Be that as it may, the elections are held under the aegis of the Election Commission of India and, it is for the Election Commission of India to conduct free and fair elections, which it is duty-bound to do. The officials concerned would be under the supervision of the Election Commission of India and, if the Election Commission of India notices acts of malfeasance or misfeasance on the part of any officer, then the Election Commission of India can take appropriate action against those officers.

4. As far as the prayer of the petitioner for police protection is concerned, the remedy would lie elsewhere. The petitioner may make necessary application to the concerned department for police protection, which can be considered by the department on its own merits and in accordance with law.



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5. With these observations, the writ petition is disposed of.

There shall be no order as to costs.

(S.V.G., CJ.)

(J.S.N.P., J.)

18.04.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

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

2.The Home Secretary,
Union Government of India,
Ministry of Home Affairs,
North Block, New Delhi-110 001.

3.The Chief Electoral Officer and Principal Secretary
to Government Public (Elections) Department,
State Government of Tamil Nadu,
Secretariat, Chennai-600 009.



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