



Cont.P.No.1523 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2024

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

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B.Ramamoorthy

: Petitioner

versus

- 1.Rajiv Kumar,
Chief Election Commissioner of India,
Nirvachan Sadan, Ashoka Road,
New Delhi 110 001
- 2.Satyabrata Sahoo, IAS,
Chief Election Officer,
Secretary to Government,
Public Election Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009
- 3.K.Tharpagaraj,
District Election Officer & District Collector,
Office of the District Collectorate,
Tirupattur District
- 4.Rajarajan,



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Returning Officer,
Additional Personal Assistant (land) to Collector,
Jolarpet Constituency,
Jolarpet, Tirupattur District : Respondents

Prayer: Petition filed to punish respondents 1 to 4 jointly and severally for their wilful disobedience of the order passed by the Division Bench of this Court in WP No.14260 of 2021 dated 14.07.2021.

For Petitioner : Mr.P.C.Harikumar
for M/s.P.C.Harikumar & Associates

For Respondents : Mr.Niranjan Rajagopalan,
for M/s.G.R.Associates

ORDER

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

Contempt petition is on the basis that respondents have not complied with the directions given in paragraphs 12 and 13 of the order dated 14.07.2021 in WP No.14260 of 2021.



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2. Paragraphs 12 and 13 read as under:

“12. In the light of the present submission of the Election Commission that it will consider the petitioner's representation afresh, the petition may be disposed of at the receiving stage.

13. It is necessary that the Election Commission devises a procedure for dealing with complaints of the present kind. Ideally, a notice should be issued to the relevant candidate and his explanation sought and the matter closed by a reasoned order if the explanation is found suitable or satisfactory. If, however, the explanation is found unsatisfactory, the Election Commission should pursue the matter with full rigour, irrespective of the political allegiance of the relevant candidate.”

3. As regards paragraph No.13, counsel for respondents relies on the letter dated 24.08.2021 issued by the Election Commission of India to the Chief Electoral Officers of all States/Union Territories, in which paragraph No.5 reads as under:

“5. Any complaint of false affidavit subsequent to nomination process may be dealt



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in the following manner:

(i) A complaint of false affidavit without any substantial document/evidence may be disposed of appropriately with reasoned order and suggesting that he/she may himself/herself approach the competent court, if required.

(ii) A complaint of false affidavit with supporting document/evidence will be referred to the CEO of the State/UTs, who consequent upon examination will act in accordance with the directions of the Commission in the matter.

(iii) On examination of supporting documents, CEO would refer such cases of serious omission or commission on a case-to-case basis where he considers it appropriate to seek Commission's directions.

(iv) In case of 5(ii) and 5(iii), complainant would be asked to file an affidavit clearly stating that averments made in his complaint and supporting documents attached therewith are all true and genuine.

(v) References so forwarded by CEO would be dealt on case-to-case basis and Commission may refer them to appropriate authority for enquiry/comments.”

4. As regards paragraph No.12, counsel for respondents relies on a compilation of ten documents where documents 2 to 10 deal with this subject. Counsel for respondents also tenders a copy of the letter dated 12.11.2024 addressed by the District Election Officer/District Collector,



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Tirupattur District to the Chief Electoral Officer & Principal Secretary to Government, Public (Election-IV) Department, Secretariat, Chennai to submit that a private complaint against the candidate has been filed before the Judicial Magistrate No.1, Tirupattur on 01.10.2024 and a provisional number has been obtained.

5. In view thereof, we are satisfied that no case for contempt is made out. Petition dismissed.

(K.R.SHRIRAM, CJ.)

(SENTHILKUMAR RAMAMOORTHY, J.)

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Index : Yes/No
Neutral Citation : Yes/No
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