



O.A. No.882 of 2024
in ELP.No.3 of 2024

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C.V.KARTHIKEYAN, J.

This application has been filed by the 26th respondent in the election petition, the Returning Officer/District Collector, Ramanathapuram District seeking the release of M3 Electronic Voting Machines along with VVPAT machines used during the Elections in No.35, Ramanathapuram Parliamentary Constituency on 19.04.2024, result of which elections are the subject matter of the present Election Petition.

2.It had been stated that due to the pendency of the Election Petition, the Electronic Voting Machines which constitutes a control unit, balloting unit and VVPAT machines have been preserved. But however it has also been stated that the M3 Generation Voting Machines are required for conducting elections in other States and due to the pendency of the Election Petition, the M3 Generation Voting Machines would remain unutilized and there would be further expenditure involved in preserving them in the same condition as they are during the pendency of the Election Petition.

3.It is also contended that a perusal of the grounds on which the petitioner had approached the Court would show that counting of the votes was not



a primary issue raised in the election petition. It is therefore stated that the Court could consider releasing the M3 Electronic Voting Machines along with VVPAT machines which had been used during the Ramanathapuram Parliamentary Constituency Elections held on 19.04.2024.

4. Heard the learned counsel for the election petitioner also.

5. It is an admitted fact that the in Election Petition, counting of votes is not a primary grounds or rather not even grounds raised to question the election of the 1st respondent in the election petition.

6. In view of the same, retaining the M3 Electronic Voting Machines would only incur further expenditure and to avoid the same it will only be appropriate that the same are returned to the applicant herein. But however, necessary acknowledgment for receipt of the machines will have to be made. The necessary protocols may be followed by getting acknowledgment from each one of the candidates in respect of this particular return of this machines.

7. The following directions are issued:

(i) A notice must be issued by the Returning Officer informing the opening of Strong Room having EVMs (Ballot Units and Control



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Units) involved in this case to the petitioners/respondents and to the representatives of all political parties in writing at least 72 hours in advance, requesting them to remain present at the time of opening of strong room.

(ii)The Returning Officer may then open the strong room in the presence of the District Election Officer, Petitioners/respondents and representatives of the political Parties.

(iii)The Returning Officer may then segregate and take out the EVMs (Ballot Units and Control Units) involved in this case from the strong room under videography and provide a prepared list of the EVMs taken out to the petitioner/respondent and take acknowledgment.

8. With the above directions, this application stands allowed.

SSR

19.11.2024
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