



WP(MD)No.9236 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**WP(MD)No.9236 of 2024**

Maha Suseendra

: Petitioner

Vs.

The Assistant Returning Officer /  
Special Deputy Collector (Stamps),  
193, Madurai Central Constituency,  
O/o.District Collector, Collector Office Road,  
Alwarpuram, Madurai.

: Respondent

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to permit to conduct Cultural / Drama / Event at five points, ie., Murugan Temple, Nethaji Statute, Mengattu Pottal, Adheenam Vasal and Rajmahal Corner during the road show to be conducted today, ie., 12.04.2024, at about 05.00 pm to 08.30 pm, in 193 Madurai Central Constituency.



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For Petitioner : Mr.Niranjana S.Kumar

For Respondent : Mr.Niranjana Rajagopalan  
Standing Counsel

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### **ORDER**

The petitioner, a District President of a Political Party, has filed this writ petition seeking a mandamus directing the respondent / Election Commission to permit and to conduct cultural programme at five points [Murugan Temple, Nethaji Statue, Mengattu Pottal, Adheenam Vasal and Rajmahal Corner] during the road show to be conducted today (12.04.2024) at about 05.00 pm to 08.30 pm in Madurai Central Constituency.

2.Learned Counsel appearing for the petitioner submitted that the respondent / Assistant Returning Officer, by order dated 10.04.2024, has already granted permission for conducting the road show. However, the police is disturbing them from conducting the same. Apart from the road show, the petitioner also sought permission today to conduct cultural programme at five points during the rally. However, it has not been



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considered by the respondent so far and therefore, he has approached this Court by way of this writ petition.

3.Learned Counsel appearing for the respondent / Election Commission raised preliminary objections as to the maintainability of this writ petition before this Court. According to him, the issues relating to Election Commission have to be listed only before the Hon'ble First Bench of this Court. In this regard, he has relied on the Notification No.33 of 2021, dated 18.02.2021, issued by the Registrar General of this Court. He has also relied on the sitting arrangements notified from 01.04.2024 onwards. As per these notifications, the matters relating to Election Commission have to be listed only before the Hon'ble First Bench. However, cases against the Election Commission are moved before various Benches of this Court and the same are also being entertained. He further submitted that he has also raised this issue before the Hon'ble First Bench in this regard and the Hon'ble First Bench has also assured that necessary instructions would be issued.



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4. With regard to the merits of the matter, the learned Counsel for the respondent submitted that the petitioner has initially asked permission for a road show alone, which was already granted by the Commission. Now, in the last minute, the petitioner has filed this writ petition seeking permission to conduct cultural programme during the rally. However, without even approaching the Commission, straight away, the petitioner has moved this application before this Court.

5. Learned Counsel for the petitioner intervened and submitted that a representation has been submitted before the respondent / Commission today seeking permission for the cultural programme during the rally and since the rally is scheduled today, they have moved this application before this Court. The Counsel for the respondent / Commission sought time to get instructions in this regard.

6. On a perusal of papers, it appears that a note file has been prepared by the Registry for obtaining orders from the Hon'ble Administrative Judge as to the listing of this writ petition. However, there is no orders /



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directions from the Hon'ble Administrative Judge. Therefore, this Court passed over the matter, enabling the respondent's Counsel to get instructions. In the meantime, this Court also sought clarification from the Registry as to the listing of the case before this Court, as against the notification dated 18.02.2021 and the notification on sitting arrangements from 01.04.2024 and that too, without obtaining any orders from the Hon'ble Administrative Judge.

7.The writ petition was again taken up for hearing around 04.20 pm and the Registrar (Judicial) has filed a report. He stated that the relief sought for in the writ petition is seeking permission for conducting cultural programme. However, the petitioner has arrayed the Assistant Returning Officer alone as the sole respondent, without arraying any police / revenue officials. Therefore, the case has been numbered as Writ (General Miscellaneous) and was listed before the Court dealing with Writ (General Miscellaneous) portfolio. On the objections raised by the learned Standing Counsel for the respondent that the writ petition will have to be heard only by the Hon'ble First Bench, the learned Single Judge dealing with Writ



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(General Miscellaneous) portfolio directed the Registry to place the papers before the Hon'ble Administrative Judge. Accordingly, the papers were placed before the Hon'ble Administrative Judge. The Hon'ble Administrative Judge has suggested that the relief sought for in the writ petition, ie., permission for cultural programme, is under the Writ (Criminal) jurisdiction and orally directed to list the matter before the Court having jurisdiction with Writ (Criminal). Therefore, the case was listed before this Court, having jurisdiction over Writ (Criminal) matters.

8.The report filed by the Registrar (Judicial) dated 12.04.2024 stands recorded. The Registry is having battery of Officers from Registrar, Joint Registrar, Deputy Registrar, Assistant Registrar, Sub Assistant Registrar. Though it is now reported by the Registrar (Judicial) that on the oral directions issued by the Hon'ble Administrative Judge the case is listed before this Court, I was not informed about the same by any of these Officers in advance. Such a conduct on the part of the Registry is to be deprecated.



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9. Now coming to the merits of the case, learned Counsel for the respondent / Election Commission submitted that out of the five places suggested by the petitioner for conducting the cultural programme during the rally, the Commission is granting permission for three places and they are declining permission for two places, which are traffic prone areas. He further submitted that the order granting permission for three places has also been communicated to the petitioner.

10. Learned Counsel appearing for the petitioner acknowledged and agreed for the same.

In view of the above development, this writ petition stands closed.  
There shall be no order as to costs.

Internet : Yes  
gk

**12.04.2024**

**Note:**

Mark a copy of this order to

The Registrar General, Madras High Court.



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**B.PUGALENDHI, J.**

gk

To

- 1.The Assistant Returning Officer /  
Special Deputy Collector (Stamps),  
193, Madurai Central Constituency,  
O/o.District Collector, Collector Office Road,  
Alwarpuram, Madurai.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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