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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3680/2024**

VA PUGAZHENDI

..... Petitioner

Through: Md. Imran Ahmad, Mr. Kartik Venu,
Mr. Shikhar Sharma and Mr. Fahad
Khan, Advs.

versus

THE ELECTION COMMISSION OF INDIA Respondent

Through: Mr. Ankit Agarwal, SC for ECI along
with Mr. Ashish Shukla, Adv.
Mr. Balaji Srinivasan, Mr. K. G.
Kumar, Ms. Harsha Tripathi, Mr.
Vishwaditya Sharma and Mr. Shiva
Krishnamurti, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

15.03.2024

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1. The present petition has been filed by the petitioner, *inter-alia*, seeking the following prayers:

“A. Issue a writ in the nature of mandamus under Article 226 of the Constitution of India or such other appropriate writ, order or direction, directing the Respondent to to conduct an enquiry on the representations given by the Petitioner without further delay, in the matter of allotment of party symbol, use of party name and party flag; and / or

B. Pass such further or other orders as this hon'ble court may deem fit and proper and thus render justice.”

2. It has been averred in the petition that there are pending civil disputes between the factions of the AIADMK party, as a result of which, it is incumbent upon the Election Commission of India to decide the representation sent by the



petitioner herein with regard to the issue of “Two Leaves symbol” under Paragraph 15 of the Election Symbols (Reservation and Allotment) Order, 1968.

3. Attention is drawn to the decision of the Election Commission of India in dispute case 2/2017, on an application under Paragraph 15 of the aforesaid Election Symbols (Reservation and Allotment) Order, 1968. It is submitted that since disputes within the AIADMK party have festered, and which are subject matter of civil suit/s, representations have been submitted by the petitioner seeking a decision as regards use of the “Two Leaves symbol”.

4. Learned counsel for the Election Commission of India submits that no cogent representation has been made by the petitioner in terms of Paragraph 15 of the aforesaid Election Symbols (Reservation and Allotment) Order, 1968. It is further submitted that even if a person files a vexatious petition under Paragraph 15 of the Election Symbols (Reservation & Allotment) Order, 1968 without having any numerical support or without showing emergence of rival groups, the same will not succeed the test applied for adjudicating the disputes.

5. During the course of hearing, learned counsel for the AIADMK has sought to enter appearance to contend that there are no factions within the party.

6. After some hearing, in view of the contention made on behalf of the learned counsel for the Election Commission of India to the effect that the previous representations of the petitioner are inchoate, learned counsel for the petitioner seeks leave to make a fresh representation to the Election Commission, and prays that the same may be duly considered by the Election Commission. It is submitted that a fresh representation shall be submitted today itself.

7. In the circumstances, the present petition is disposed of with liberty to the petitioner to make a fresh representation to the Respondent/ Election Commission of India; the said representation shall be duly considered, as expeditiously as possible and in accordance with law.



8. With the above directions, the present petition, along with the pending application/s, stand disposed of.

9. It is made clear that this Court has not expressed any opinion as regards the merits of any fresh representation that may be made by the petitioner.

SACHIN DATTA, J

MARCH 15, 2024