



WEB COPY



W.P.No.7882 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.7882 of 2026

&

W.M.P.Nos.8526 & 8531 of 2026

R.Viswanathan @ MGR Viswanathan
S/o.S.M.Ranganathan
Plot No.41E, F Varma Organic Farm Land
Egattur
Tiruvallur District-631 203.

Petitioner(s)

Vs

1. The Union Of India
Rep. by its Secretary to Government
Election Commission of India
Nirvachan Sadan
New Delhi-110 001.
2. The Chief Election Commissioner
Election Commission of India
Nirvachan Sadan
Ashoka Road
New Delhi-110 001.
3. The Principal Secretary
First Appellate Authority
Election Commission of India
Nirvachan Sadan
Ashoka Road, New Delhi-110 001.



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4. The Chief Election Commissioner
Tamil Nadu State Election Commission
208/2, Jawaharlal Nehru Road
Arumbakkam (opp to Koyambedu)
Chennai-600 108.
5. The Chief Election officer
Tamil Nadu State and Principal Secretary
Secretariat, Fort St. George
Chennai-600 009.

Respondent(s)

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 1st and 2nd respondents / ECI to issue necessary directions to political parties to contest Parliamentary Elections and Assembly Elections on individual party basis and not to enter into any kind of pre-poll alliance.

For Petitioner(s): Mr. S.A. Secular &
Mr. K. Sivasamy

For Respondent(s): Mr. Niranjana Rajagopalan
Standing Counsel for R1, R2, R3 & R5

ORDER

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

The writ petition has been filed under Article 226 of the Constitution of India seeking direction to respondents 1 and 2 to issue necessary directions to political parties to contest Parliamentary



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Elections and Assembly Elections on individual party basis and not to enter into any kind of pre-poll alliance.

2. An identical prayer was considered by the Co-ordinate Bench of this Court at Madurai in a case of **T.Ayyappan v. The Election Commission of India** (W.P.No.1631 of 2006 dated 20.02.2006), wherein it is held as follows:

“11. In this case, the request of the petitioner before the respondent/Commission is to pass appropriate orders restraining the political parties from having any pre poll alliance for which the election commission is not vested with the power. When political parties chosen to forge an alliance prior to the poll and after election they change their mind to have alliance with some other party, in such event, the election Commission has no jurisdiction to interfere. In this context, it may be useful to refer to the decision of the Honourable Supreme Court in the decision reported in (Rameshwar Prasad and others vs. Union of India and another) JT 2006 (1) SC 457 wherein it was held that even when majority was cobbled by illegal and unethical means, no interference is permissible and such interference would be against the democratic principles of majority rule. Hence, submitting a representation to the respondents seeking to restrain the political parties from having any pre poll alliance



cannot be considered by the election commission since there is no statutory imposed upon them.

12. It is seen from the records that on receipt of one of the representations from the petitioner; the first respondent has sent a reply dated 15.04.2004 wherein it was stated thus:

"I am directed to refer to your letter dated 25.02.2004 on the subject cited and to say that the provisions dealing with recognition of political parties are contained in the Election Symbols (Reservation and Allotment) Order 1968, which is available for purchase in the sale counter of the Commission on payment of requisite charges."

In our considered opinion, the first respondent could have avoided sending such reply.

13. No rigid rule of locus standi can be applied to a public interest litigation. Any person acting bonafide, having sufficient interest in maintaining an action for judicial redress for public injury to put the judicial machinery in action. The public interest litigation is not an advisory litigation to hold the State or its office or authority responsible for reparation. The relief sought for by the petitioner in this writ petition is not based on any fundamental right, hence, the writ petitioner has no locus standi to file this writ petition. The writ petition is devoid of merits, liable to be dismissed and accordingly, the same is dismissed. No costs."



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3. From a perusal of the prayer clause in the petition as well as in the decision cited supra, relief being identical, we are not inclined to entertain this petition.

4. In ***T.Ayyappan v. The Election Commission of India*** supra, the Division Bench of this Court had dismissed the writ petition based on the decision of the Apex Court in the case of *Rameshwar Prasad and others vs. Union of India and another [JT 2006 (1) SC 457]*, holding that even when majority was cobbled by illegal and unethical means no interference is permissible and such interference would be against the democratic principles of majority rule and therefore, submitting a representation to Election Commission of India seeking to restrain the political parties from having any pre-poll alliance cannot be considered by the Election Commission since there is no statutory power imposed upon them.



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5. In view of the above, this petition stands dismissed. There shall be no order as to costs. Consequently, the interim applications are also dismissed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
18.03.2026

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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