



WEB COPY

W.P.No.12903 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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Raghul Gandhi K (RGK)
S/o.Krishnan,
National Organizer and South Zone Leader,
Hindustan Janata Party,
No.124, EB Colony 2nd Street,
Ponnairajapuram, Gandhi Park,
Coimbatore-641 001

Petitioner

Vs

1.The Chief Election Commissioner
Election Commission of India,
Nirvachansadan, New Delhi-110001

2.The Chief Electoral Officer
Tamil Nadu,
Secretariat, Chennai-600 009

3.The Chief Electoral Officer
Puducherry,
Puducherry.

Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to consider the pass appropriate orders on the petitioner's representation dated 22.01.2026 within the time limit which may be fixed by the Court.

For Petitioner: Dr.G.Krishnamoorthy
for Mr.A.K.M.Samsu Nihar

For Respondents: Mr.Niranjan Rajagopalan
Standing Counsel
for R1 and R2

Mr. V.Vasanthakumar
Addl. GP (Puducherry)
for R3

ORDER

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

Heard on admission.

2. This writ petition under Article 226 of the Constitution of India has been filed by the petitioner seeking direction to the respondents to consider his representation dated 22.1.2026.

3.1. Learned counsel for the petitioner submitted that the petitioner, through his representations, to the Election Commission of India has suggested that:



- (a) no special privileges shall be extended to major political parties during nomination, campaigning, polling or counting;
- (b) permanent election symbols allotted to major political parties shall be temporarily suspended or permanently cancelled and they must obtain symbols constituency-wise similar to independent candidates;
- (c) priority placement of major political parties on EVMs/ballots shall be completely prohibited and candidates names must be displayed strictly in alphabetical order;
- (d) banning of proxy and excessive agents during polling/counting;
- (e) abolition of appointment of polling agents inside the booths; and
- (f) permitting to observe the polling by candidates themselves or his/her authorities representative.

3.2. Learned counsel for the petitioner further submitted that the representation of the petitioner also includes uniform symbol allotment procedure; strong action against vote-buying; and constitution of



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mobile election courts. According to learned counsel, despite the receipt of the representations, the Election Commission of India has not taken any action, which necessitated the petitioner to file the present writ petition.

4. Admittedly, the petitioner's representation seeks amendment in the election rules/laws and any direction given by this court exercising jurisdiction under Article 226 of the Constitution of India would be tantamount to directing the legislature to legislate in a particular manner, which the courts cannot direct.

5. In *C.Jacob v. Director of Geology and Mining and another*¹, the Apex Court dealing with the concept of representations and the directions issued by the courts to consider the representations and the challenge to the said rejection thereafter. In paragraph 10, the Apex Court held thus:

"10. Every representation to the Government for relief, may not be replied on merits. Representations relating to matters which have become stale or barred by limitation, can be rejected on that ground alone, without examining the merits of the claim. In

¹(2008) 10 SCC 115



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regard to representations unrelated to the Department, the reply may be only to inform that the matter did not concern the Department or to inform the appropriate Department. Representations with incomplete particulars may be replied by seeking relevant particulars. The replies to such representations, cannot furnish a fresh cause of action or revive a stale or dead claim."

[emphasis supplied]

6. In the instant case, the petitioner neither produced any material, nor disclosed any particulars in support of his claim that the existing system is flawed. That apart, no violation of any law is alleged. On a reading of the representation of the petitioner dated 22.1.2026, we are of the view that the said representation is stale.

7. In *C.Jacob (supra)*, the Apex Court has categorically held that courts should desist from directing consideration of representation as a matter of course, when on the face of it, such representation is stale. In paragraph 14, it has been held as under:

*"14. We are constrained to refer to the several facets of the issue only to emphasize the need for circumspection and care in issuing directions for 'consideration'. **If the representation is on the face of it is stale, or does not contain particulars to***



show that it is regarding a live claim, courts should desist from directing 'consideration' of such claims."

[emphasis supplied]

8. Any direction issued in this petition to the authorities would only be a direction to the legislature to legislate in a particular way, which the courts are enjoined from directing. It is well settled that courts cannot direct the legislature to legislate law in a particular way. It is for the legislators to legislate laws.

In the light of law expounded by the Supreme Court and the blissfully vague averments in the petition, we are not inclined to entertain the writ petition. The writ petition is dismissed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
07.04.2026

Index : Yes/No
Neutral Citation : Yes/No
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