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W.P.No.12746 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

WP No. 12746 of 2026
and WMP No.13935 of 2026

M.L.Ravi
President of Desiya Makkal Sakthi Katchi
21/11, Venkatraman Street, Mint,
Chennai - 600001.

Petitioner(s)

Vs

1. The Chief Election Commissioner
Election Commission of India
Nirvachan Sadhan, No.1,
Ashoka Road, New Delhi - 110001.
2. The Chief Electoral Officer
Public Elections Department
Secretariat, Fort St. George
Chennai - 600009.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to consider the petitioner's representation dated 12.03.2026 and to examine the legality of issuing Form A and Form B to candidates who



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are members of another political party and consequently frame appropriate guidelines and regulatory measures to prevent misuse of reserved election symbols.

For Petitioner(s): Mr. K.M.Balaji
for Mr.A.P.Suryaprakasam

For Respondent(s): Mr. Niranjan Rajagopalan
Standing Counsel
for R1 and R2

ORDER

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

The petitioner, who claims to be the President of Deisya Makkal Sakthi Katchi and a practising advocate, has filed this petition, styled as public interest litigation, seeking issuance of a mandamus directing the first respondent to consider the petitioner's representation dated 12.03.2026 and examine the legality of issuing Form A and Form B to candidates who are members of another political party and, consequently, frame appropriate guidelines and regulatory measures to prevent misuse of reserved election symbols.

2. The grievance of the petitioner is that candidates who belong to other political parties are issued Form A and Form B by recognized



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political parties as part of electoral alliances and such candidates contest elections using the reserved symbol of another political party, while continuing to remain members of their original political party. It is asserted that such practice results in a serious misrepresentation and misleads the voters regarding the true political affiliation of the candidate.

3. Seeking relief on similar lines, the petitioner himself has filed earlier writ petitions, being W.P.No.27375 of 2019 and 12684 of 2021. The said writ petitions were dismissed by an order dated 9.1.2024 holding as under:

"8. In the present case, the disputed questions of fact exist as to whether these persons are members of two political parties or one and at the same time, whether they were the members of the political party on whose symbol they had contested the election and whether they are the members of one political party and contested election on the party symbol of other political party. All these disputed questions of fact cannot be gone into in a writ petition."



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4. The earlier writ petition was dismissed on merits. The petitioner having full knowledge of the position has waited till the issuance of the election notification for 2026 and has filed the present writ petition seeking a similar relief.

5. It is well settled proposition in law that principle of *res judicata* applies to writ proceedings, as has been held by the Supreme Court in *Daryao v. State of Uttar Pradesh*¹; *Virudhuttagar Steel Rolling Mills Limited v. Government of Madras*², and *Shankara Co-operative Housing Society Limited v. M. Prabhakar*³.

6. Learned counsel for the petitioner sought an omnibus prayer. Though this court posed a specific question to learned counsel for the petitioner to point out a specific instance of illegality committed, learned counsel did not produce any modicum of material to substantiate his plea. In any event, it is for the Election Commission of India to consider such claim, if any. We express no opinion.

¹ AIR 1961 SC 1457

² AIR 1968 SC 1196

³ (2011) 5 SCC 607



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7. It is to be noted here that the election notification has already been issued fixing the starting date for filing of nominations as 30.3.2026 and last date for filing of nominations is 6.4.2026. This petition has been listed for admission today, i.e., on 7.4.2026, after the expiry of the last date of filing of nominations. The petitioner has suddenly woke up from the slumber and has filed this writ petition after the issuance of election notification.

8. It is trite that once the election process has commenced, the invocation of judicial remedy has to be postponed till the completing of proceedings in elections. The Supreme Court in *Election Commission of India v. Ashok Kumar*⁴, held thus:

"32. For convenience sake we would now generally sum up our conclusions by partly restating what the two Constitution Benches have already said and then adding by clarifying what follows therefrom in view of the analysis made by us hereinabove:

(1) If an election, (the term election being widely interpreted so as to include all steps and

⁴ (2000) 8 SCC 216



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entire proceedings commencing from the date of notification of election till the date of declaration of result) is to be called in question and which questioning may have the effect of interrupting, obstructing or protracting the election proceedings in any manner, the invoking of judicial remedy has to be postponed till after the completing of proceedings in elections.

(2) Any decision sought and rendered will not amount to "calling in question an election" if it subserves the progress of the election and facilitates the completion of the election. Anything done towards completing or in furtherance of the election proceedings cannot be described as questioning the election.

(3) Subject to the above, the action taken or orders issued by Election Commission are open to judicial review on the well-settled parameters which enable judicial review of decisions of statutory bodies such as on a case of mala fide or arbitrary exercise of power being made out or the statutory body being shown to have acted in breach of law.



(4) Without interrupting, obstructing or delaying the progress of the election proceedings, judicial intervention is available if assistance of the court has been sought for merely to correct or smoothen the progress of the election proceedings, to remove the obstacles therein, or to preserve a vital piece of evidence if the same would be lost or destroyed or rendered irretrievable by the time the results are declared and stage is set for invoking the jurisdiction of the court.

(5) The court must be very circumspect and act with caution while entertaining any election dispute though not hit by the bar of Article 329(b) but brought to it during the pendency of election proceedings. **The court must guard against any attempt at retarding, interrupting, protracting or stalling of the election proceedings. Care has to be taken to see that there is no attempt to utilise the court's indulgence by filing a petition outwardly innocuous but essentially a subterfuge or pretext for achieving an ulterior or hidden end. Needless to say that in the very nature of the things the court would act with reluctance and shall not act, except on a clear and strong case for its intervention having been**



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***made out by raising the pleas with particulars
and precision and supporting the same by
necessary material."***

[emphasis supplied]

9. In the light of the law enunciated by the Supreme Court in the aforesaid decisions, we are not inclined to entertain the present writ petition.

The writ petition is, accordingly, dismissed. There shall be no order as to costs. Consequently, interim application is closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
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Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
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