



W.P.No.14101 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.14101 of 2026

S.K.Saamy
S/o Thiru. Karuppasaamy Nayakka Thevar,
Advocate, Supreme Court of India,
Chairman, All India Advocate Welfare
Associates (AIAWA),
Chairman cum Editor in Chief,
World Human Rights Commission
and Rescue Centre, No.11094, Tower 11
Prestige Bella Vista, Iyyapanthangal
Chennai – 600 056.

Petitioner(s)

Vs

1. The Election commission of India
Though its office of the Chief Election Commissioner
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.
2. The Union Government of India
Through its Secretary to Government
Ministry of Home Affairs, North Block,
New Delhi - 110 001



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3. The Chief Electoral Officer, Tamil Nadu
Public (Elections) Department,
Fort St. George, Chennai - 600 009.
4. The District Election Officer / Commissioner
Greater Chennai Corporation, Rippon Building,
Chennai - 600 003.
5. The Returning Officer
13-Kolathur Assembly Constituency,
Integrated GCC Offices, No.239, Paper Mills Road,
Sembium, Chennai - 600 011.
6. Arun IPS
Commissioner of Police, Greater Chennai,
Vepery, Chennai - 600 007.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the respondents to accept the petitioner's nomination for 13-Kolathur Constituency by treating it as validly filed within time and order an independent judicial inquiry into police obstruction and role of election officials and pass orders safeguarding free and fair election process.

For Petitioner(s): Mr. S.K.Saamy
(Appearing in person)

For Respondent(s): Mr. Niranjana Rajagopalan
Standing Counsel
for R1 to R5

Mr. P.S.Raman
Advocate General
Assisted By Mr. K.M.D.Muhilan
Additional Public Prosecutor for R6



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ORDER

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

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The petitioner, appearing in person, has filed this writ petition seeking issuance of a mandamus to direct the respondents to accept the petitioner's nomination for 13-Kolathur Constituency by treating it as validly filed within time and order an independent judicial inquiry into police obstruction and role of election officials and pass orders safeguarding free and fair election process.

2. The case of the petitioner, who is a practising advocate, is that he intends to contest the 2026 Tamil Nadu Legislative Assembly elections and on the final date of filing nominations, he was physically prevented from entering the office of the Returning Officer by a police contingent. The petitioner submits that the action of the respondents amounts to violation of Articles 14, 19(1)(a) and 19(1)(c) of the Constitution of India.

3. The Election Commission of India has announced schedule for General Elections on 15.03.2026, in compliance with Section 30



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of the Representation of the People Act, 1951, which is reproduced below:

"30. Appointment of dates for nominations, etc.—

As soon as the notification calling upon a constituency to elect a member or members is issued, the Election Commission shall, by notification in the Official Gazette, appoint—

(a) the last date for making nominations, which shall be the seventh day after the date of publication of the first mentioned notification or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(b) the date for the scrutiny of nominations, which shall be the day immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(c) the last date for the withdrawal of candidatures, which shall be the second day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(d) the date or dates on which a poll shall, if necessary, be taken which or the first of which shall be a date not earlier than the fourteenth day



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*after the last date for the withdrawal of candidatures; and
(e) the date before which the election shall be completed.”*

4. In the case on hand, it is not in dispute that the last date for filing nomination is already over. So, as on date, admittedly the petitioner has not filed his nomination for 13-Kolathur Constituency.

5. The question that falls for consideration is whether this court can entertain a writ petition under Article 226 of the Constitution and direct the respondents to accept the petitioner's nomination, even after the deadline fixed for filing nominations.

6. It is trite that once the election process has commenced with the issuance of election notification, the invocation of judicial remedy has to be postponed till the completion of proceedings in elections. The Supreme Court in *Election Commission of India v. Ashok Kumar*¹, held thus:

¹ (2000) 8 SCC 216



"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 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.



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

[emphasis supplied]

6. We do not find any exceptional grounds as enumerated in the aforesaid decision of the Supreme Court warranting our interference invoking discretionary jurisdiction under Article 226 of the Constitution of India.

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7. 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 seeking a direction on respondents to accept the petitioner's nomination even after the deadline fixed.



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Accordingly, petition is dismissed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
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Index : Yes/No
Neutral Citation : Yes/No
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To:

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Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.
2. The Secretary to Government
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