



W.P.No.13733 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.13733 of 2026
and WMP No.15001 of 2026

A.Mohandoss, Advocate
Anand Block No.102, 1st Floor
Chitra Avenue, No.9
Choolaimedu High Road
Chennai - 600094.

Petitioner(s)

Vs

1. The Election Commission of India
Rep. by its Secretary
Nirvachan Sadan, Ashoka Road
New Delhi - 110001.
2. The Chief Electoral Officer
Tamil Nadu State, Secretariat
Chennai - 600009.
3. Dr.P.Umanath, IAS,
Secretary-I to the Chief Minister,
Secretariat, Chennai - 600009.
(R3 impleaded vide dated
10.04.2026 made in WMP.15782/2026)

Respondent(s)



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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing 1st and 2nd respondents to forthwith investigate the complaints dated 18.03.2026 and 23.03.2026 submitted by the petitioner, including conducting a forensic examination of the official and unofficial telephone records of Dr.P.Umanath IAS, his communications with the district administration and police authorities and the assets and connections of his associate Kadarkarai, and further direct the respondents to submit a status report/ action taken report on the said complaints.

For Petitioner(s): Mr. Ravi Prakash Mehrothra
Senior Advocate
(Thru Video Conferencing)
for Mr.G.Aanandaraj

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 has filed this writ petition, styled as public interest litigation, seeking issuance of a mandamus to direct respondent Nos.1 and 2 to forthwith investigate the complaints dated 18.03.2026 and 23.03.2026 submitted by the petitioner, including conducting a forensic examination of the official and unofficial



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telephone records of Dr.P.Umanath IAS, his communications with the district administration and police authorities and the assets and connections of his associate Kadarkarai, and further direct the respondent authorities to submit a status report/ action taken report on the said complaints.

2. It is the case of the petitioner that the third respondent herein is presently serving as Secretary-I to the Chief Minister of Tamil Nadu and is exercising administrative influence and communicating with District Collectors and police authorities and interfering in the governance during the subsistence of the Model Code of Conduct, thereby compromising the neutrality of the electoral process. It is alleged that despite representations sent by the petitioner, the respondent authorities did not pay heed to the same and, therefore, the petitioner has filed this writ petition for the relief stated supra.

3. Learned Senior Counsel appearing on behalf of the petitioner submitted that despite the Model Code of Conduct being in force, the third respondent is misusing the official machinery and administrative influence. He further submitted that under Article



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324 of the Constitution of India vests in the Election Commission of India the power of superintendence, direction and control over the entire electoral process, but the authorities have not taken any steps to inquire into the complaints submitted by the petitioner.

4. Confuting the aforesaid submission, learned Standing Counsel appearing on behalf of respondent Nos.1 and 2 submitted that the allegations levelled in the complaints are vague and the averments made regarding misuse of official machinery by the third respondent are not supported by any documents. He further submitted that the petitioner, as an interim measure, sought transfer of the third respondent, which is contrary to the well settled principle that public interest litigation is maintainable in service matters.

5. We have heard learned counsel for the parties and given our anxious consideration to the submissions made.

6. A bare perusal of the counter affidavit filed by respondent authorities reveals that the Election Commission has taken a stand



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that it shall take action against any officer as and when such need arises.

7. The necessity for appropriate pleadings in sine qua non for maintaining a writ petition, in as much as such petitions are mainly decided on affidavit evidence and not witness action. On this proposition, it is propitious to refer to a decision of the Supreme Court in *Allahabad University v. Geetanjali Tiwari*¹, wherein after referring to a catena of earlier decisions, it was held thus:

"37. Based on the aforesaid authorities, we hold that **while deciding a writ petition on the basis of affidavits, the writ court's enquiry ought to be restricted to the case pleaded by the parties and the evidence that they have placed on record as part of the writ petition or the counter/reply affidavit, as the case may be. Findings of the court have to be based on the pleadings and the evidence produced before it by the parties.** It is well-nigh impermissible for the writ court to conjecture and surmise and make out a third case, not pleaded by the parties, based on arguments advanced in course of hearing."

[emphasis supplied]

¹ 2024 INSC 1003



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8. In the case on hand, it is the specific case of the respondent authorities that the allegations levelled are vague and not supported by material. This Court exercising jurisdiction under Article 226 of the Constitution of India cannot delve into such disputed questions of fact, solely based on pleadings unsubstantiated by evidence and it is not permissible for a court to arrive at a conclusion on a factual position merely on the basis of submissions made in the course of hearing.

9. That apart, in *Hari Bansh Lal v. Sahodar Prasad Mahto and others*², the Supreme Court, after referring to various earlier decisions, held as under:

*"15. The above principles make it clear that except for a writ of quo warranto, **public interest litigation is not maintainable in service matters.**"*

[emphasis supplied]

10. In view of the law enunciated by the Supreme Court in the aforesaid decision, the present public interest litigation is not maintainable in so far as it seeks transfer of the third respondent as an interim measure.

² (2010) 9 SCC 655



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11. For the foregoing reasons, the writ petition is dismissed.

There shall be no order as to costs. Consequently, interim application stands closed.

We make it clear that this order shall not preclude the respondent authorities from passing appropriate order on the complaints of the petitioner on merits and in accordance with law, and communicating an order to the petitioner, as expeditiously as possible.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
21.04.2026

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
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