



W.P.No.15449 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.15449 of 2026

Va Pugazhendi
Chief Secretary
Puratchi Anna Dravida Munnetra Kazhagam
Plot No.68, AVS Housing Colony
ESI Ring Road, Hosur - 635126.

Petitioner(s)

Vs

1. The Chief Election Commissioner
Election Commission of India
Nirvachan Sadan, Ashoka Road
New Delhi - 110001.
2. The Chief Electoral Officer
Public (Elections) Department
Secretariat, Chennai - 600009.
3. Edapadi K.Palanisamy
S/o.Karuppa Gounder
NB-9, Sevanthi, TSKR Road
Chennai - 600028.

Respondent(s)



W.P.No.15449 of 2026

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 and 2 to take appropriate action before concluding the election campaign in Tamil Nadu pursuant to the petitioner's representation dated 10.04.2026.

For Petitioner(s): Mr. R.Thirumoorthy

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 seeking issuance of a mandamus directing respondent Nos.1 and 2 to take appropriate action before concluding the election campaign in Tamil Nadu pursuant to the petitioner's representation dated 10.04.2026.

2. The case of the petitioner is that the speeches of the third respondent during election campaign contain derogatory and provocative remarks against political opponents which are in violation of Section 125 of the Representation of the People Act, 1951, as they tend to promote enmity and hatred between different



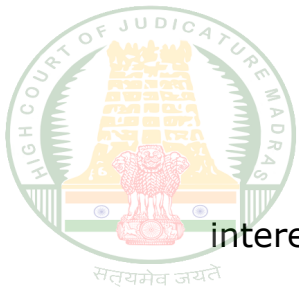
W.P.No.15449 of 2026

classes of citizens. It is alleged that the speeches are also in clear breach of the Model Code of Conduct and pose a serious threat to public order and communal harmony. In this regard, the petitioner sent a representation on 10.4.2026 to respondent Nos.1 and 2. Alleging that the said representation did not evoke any response, the present writ petition is filed.

3. The case of the petitioner is that the third respondent, during election campaigning, made hate speeches against the Chief Minister and the Deputy Chief Minister. If the third respondent has made hate speeches against specified persons, it is for such persons to seek appropriate remedy in the manner known to law. The writ petition, at the instance of the petitioner, who claims to be the Chief Secretary of another political party is not maintainable.

4. At this juncture, it is apposite to refer to a decision of the Supreme Court in *Jafar Imam Naqvi v. Election Commission of India*¹, wherein the Apex Court, while refusing to entertain a public

¹ (2014) 15 SCC 420

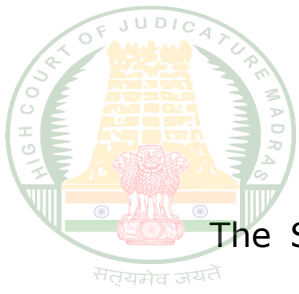


W.P.No.15449 of 2026

interest litigation pertaining to hate speeches during election campaign, observed as under:

*"10. Before parting with the case, it may be stated that public interest litigation was initially used by this Court as a tool to take care of certain situations which related to the poor and under-privileged who were not in a position to have access to the Court. Thereafter, from time to time, the concept of public interest litigation expanded with the change of time and the horizon included the environment and ecology, the atrocities faced by individuals in the hands of the authorities, financial scams and various other categories including eligibility of the people holding high offices without qualification. **But a public interest litigation pertaining to speeches delivered during election campaign, we are afraid, cannot be put on the pedestal of a real public interest litigation. There are laws to take care of it. In the name of a constitutional safeguard entering into this kind of arena, in our convinced opinion, would not be within the constitutional parameters.**"*

[emphasis supplied]



W.P.No.15449 of 2026

The Supreme Court emphatically held that even a public interest litigation pertaining to speeches delivered during election campaign is not maintainable.

5. In view of the law enunciated by the Supreme Court in the decision, referred supra, we are not inclined to entertain this writ petition, which is filed by a third party.

The writ petition is dismissed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
20.04.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

1. The Chief Election Commissioner
Election Commission of India
Nirvachan Sadan, Ashoka Road
New Delhi - 110001.
2. The Chief Electoral Officer
Public (Elections) Department
Secretariat, Chennai - 600009.



WEB COPY



W.P.No.15449 of 2026

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

WP No.15449 of 2026

20.04.2026