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W.P.No.16251 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

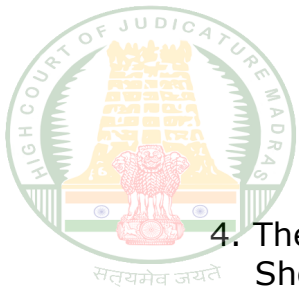
WP No.16251 of 2026
and WMP No.17446 of 2026

B.S.Jagadeshwaran
S/o. S.Balasubramani,
No.3, Veerathamman Koil 2nd Street,
Pallikaranai, Chennai – 600 100.

Petitioner(s)

Vs

1. The Chief Election Commissioner
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.
2. The Chief Electoral Officer, Tamil Nadu
Public (Elections) Department,
Secretariat, Chennai – 600 009
Tamil Nadu.
3. The District Electoral Officer
(Chengalpattu District)
Collectorate, GST road,
Chengalpattu - 603 001, Tamil Nadu.



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4. The Electoral Registration Officer
Sholinganallur Constituency, Zone 14
Greater Chennai Corporation,
Puzhuthivakkam,
Chennai – 600 091, Tamil Nadu.

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Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to follow the due process of law by considering the representation dated 15.04.2026 and decide the matter before the voting day of State Assembly Election of Tamil Nadu, 2026.

For Petitioner(s): Mr.Jagadeshwaran.B.S.
(Appearing in person)

For Respondent(s): Mr.Niranjan Rajagopalan
Standing Counsel

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 to direct the respondents to follow the due process of law by considering the representation dated 15.04.2026 and decide the matter before the voting day of State Assembly Election of Tamil Nadu, 2026.

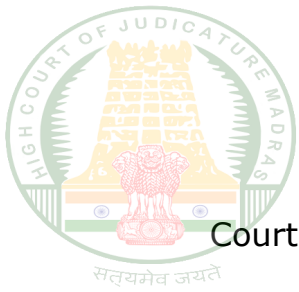


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2. It is the case of the petitioner that during the Special Intensive Revision of the electoral roll conducted by the Election Commission of India, no Booth Level Officer visited the petitioner's residence, nor was any enumeration form provided, but, much to his chagrin, he came to know only on 13.4.2026 that his name had been removed from the electoral roll. Ventilating his grievance, the petitioner sent a representation on 15.4.2026. As the said representation did not elicit any response, the present writ petition is filed.

3. It is not in dispute that specific timelines have been drawn for Special Intensive Revision (SIR) of Electoral Roll. The schedule starting from the date for commencement of house-to-house enumeration to the date of final publication of electoral roll was published, inter alia, specifying the timeline for publication of draft electoral roll and filing of objections thereto.

4. The petitioner, in our considered opinion, ought to have been on the qui vive and availed of the right to submit the objections within the timeline announced by the Election Commission of India. This



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Court exercising discretionary jurisdiction under Article 226 of the Constitution of India is not inclined to grant such relief, as the law aids the vigilant and not those who sleep over their rights.

5. A Constitution Bench of the Supreme Court on interpreting the provisions of the Constitution of India and Representation of the People Act, 1951, in *N.P.Ponnuswami v. Returning Officer, Namakkal Constituency and others*¹ held thus:

"20. It was argued that since the Representation of the People Act was enacted subject to the provisions of the Constitution, it cannot bar the jurisdiction of the High Court to issue writs under Article 226 of the Constitution. This argument however is completely shut out by reading the Act along with Article 329(b). It will be noticed that the language used in that article and in Section 80 of the Act is almost identical, with this difference only that the article is preceded by the words "notwithstanding anything in this Constitution". I think that those words are quite apt to exclude the jurisdiction of the High Court to deal with any matter which may arise while the elections are in progress."

1 (1952) 1 SCC 94



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[emphasis supplied]

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.

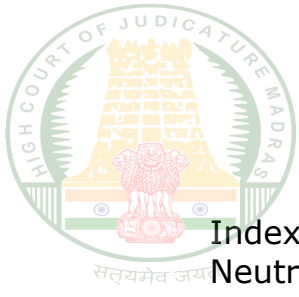
7. An identical challenge was considered and rejected by this Court in *C.Geetha v. The Chief Electoral Officer and six others*². The petitioner therein filed SLP (C) No.13042 of 2026 before the Supreme Court and the same was dismissed by order dated 10.4.2026.

For the foregoing reasons, the writ petition is dismissed. There shall be no order as to costs. Consequently, interim application stands closed.

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

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