

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Fourteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
and
The Hon`ble Mr.Justice S.S.SUNDAR

WP(MD) No.6062 of 2019
and
WMP(MD) .Nos.4836 AND 4837 of 2019

K.K.RAMESH,

... PETITIONER

Vs

1. NATIONL HUMAN RIGHTS COMMISSION,
REP. BY ITS SECRETARY,
G.P.O. COMPLEX, MANAV ADHIKAR BHAWAN,
C, BLOCK, INA, NEW DELHI-110023.

2 UNION OF INDIA,
REP. BY ITS HOME SECRETARY,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK, NEW DELHI.

3 UNION OF INDIA,
REP. BY ITS SECRETARY,
MINISTRY OF LAW AND JUSTICE,
SHASTRI BHAWAN, NEW DELHI-110 115.

4 THE CHIEF ELECTION COMMISSIONER,
ELECTION COMMISSION OF INDIA,
NIVACHAN SADAN, ASHOKA ROAD,
NEW DELHI-110001.

5 THE CHIEF ELECTION OFFICER (CEO),
TAMILNADU, FORT ST. GEORGE,
SECRETARIAT, CHENNAI-9.

6 STATE OF TAMILNADU,
REP. BY ITS HOME SECRETARY,
SECRETARIAT,
CHENNAI.

7 THE DIRECTOR GENERAL OF POLICE,
DR. RADHAKRISHNAN STREET,
CHENNAI.

- (*) R8 THE BHARATHIYA JANAYA PARTY
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
NEW DELHI.
- 9 THE INDIAN NATIONAL CONGRESS,
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
NEW DELHI.
- 10 THE ALL INDIA ANNA DRAVIDA MUNNETRA KAZHAGAM,
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
226, AVVAI SHANMUGAM SALAI,
ROYAPETTAH, CHENNAI.
- 11 THE DRAVIDA MUNNETRA KAZAHAGAM,
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
ANNA ARIVALAYAM, ANNA SALI, CHENNAI-18.
- 12 THE DESIYA MURPOKKU DRAVIDA KAZHAGAM,
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
KOYAMBEDU, CHENNAI.
- 13 THE PATTALI MAKKAL KATCHHI
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
DINDIVANAM, VIZHUPURAM DISTRICT,
HEADQUARTERS, CHENNAI.
- 14 THE VIDUTHALAI SIRUTHAIKAL KATCHI,
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
VELACHERRY, CHENNAI.
- 15 THE MARUMALARCHI DRAVIDA MUNNETRA KAZHAGAM,
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
THAYAGAM, EGMORE,
CHENNAI.
- 16 THE TAMIL MANILA MUNNETRA KAZHAGAM,
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
NO.14, 5TH CROSS STREET,
ELLAIYAMMAN COLONY,
CHENNAI.
- 17 THE NAM TAMILAR KATCHI
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
HOSPITAL ROAD, SENTHIL NAGAR,
PORUR, CHENNAI.
- 18 THE SAMUTHUVA MAKKAL KATCHI
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
CHENNAI, TAMIL NADU.

- 19 THE TAMIL NADU MUSLIM LEAGUE
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
40/33, MARAIYAKKAR STREET, SEETHAKATHI NAGAR,
GEORGE TOWN, CHENNAI.
- 20 THE FORWARD BLOCK,
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
CHENNAI, TAMIL NADU.
- 21 THE AMMA MAKKAL MUNNETRA KAZHAGAM,
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
CHENNAI. TAMIL NADU.
- 22 THE MARXIST COMMUNIST PARTY OF INDIA,
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
CHENNAI, TAMIL NADU.
- 23 THE COMMUNIST PARY OF INDIA ,
REP. BY ITS GENERAL SECRETARY/PRESIDENT,
CHENNAI.
(R8 TO 23 ARE SUO MOTU IMPLEADED
VIDE COURT ORDER DATED.14/03/19) ... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or order or direction or any suggestion or observation or particularly in the nature of writ, directing the 2nd respondent to instruct the 4 and 5 respondent to issue notification

A) To publish the giving and receiving cash for vote is punishable offence in TV, News Paper, Radio and Display Board.

B) To increase the number of flying squad appointed by Election Commission to control cash for vote to monitoring .

C) To publish the contact number of flying squad to complaint against the case for vote.

D) To Register case against the head of political party who installs temporary or permanent flex boards/hoardings and establishes temporary dais for political meeting in the middle of the road or Pathway or junction or Bazaar by affecting traffic.

E) If election is postponed or cancelled for the reason or distribution of cash for vote or for deviating any of Election Rules the huge money spent for election by Govt will be recovered from the candidate/Head of political party.

By considering the petitioners representing dated 04.03.2019.

Prayer in WMP(MD) . 4836/ 2019 :

<http://www.judis.nic.in> To grant an Interim Stay for use of plastic flags, plastic banners, plastic flex and plastic hoardings for political election propagandas till the disposal of this writ petition.

Prayer in WMP(MD). 4837/ 2019 :

To Direct the 1st respondent to issue suitable orders and directions to the competent and relevant authorities to strictly prohibit and prevent all political parties from gathering forcing threatening and promising money to innocent people and children for rallies in open fields for long hours under severe sun strokes in summer time till the disposal of this writ petition.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of K.K.RAMESH PARTY IN PERSON, Advocate for the petitioner and of MR.H.VELAVADHAS, Central Government Senior Counsel for R2 and R3 and MR.A.K.BASKARAPANDIAN, Special Government Pleader for R6 and R7 and MR.A.KANNAN, Advocate as Amicus Curiae, the court made the following order:-

(Order of the Court was made by N.KIRUBAKARAN,J)

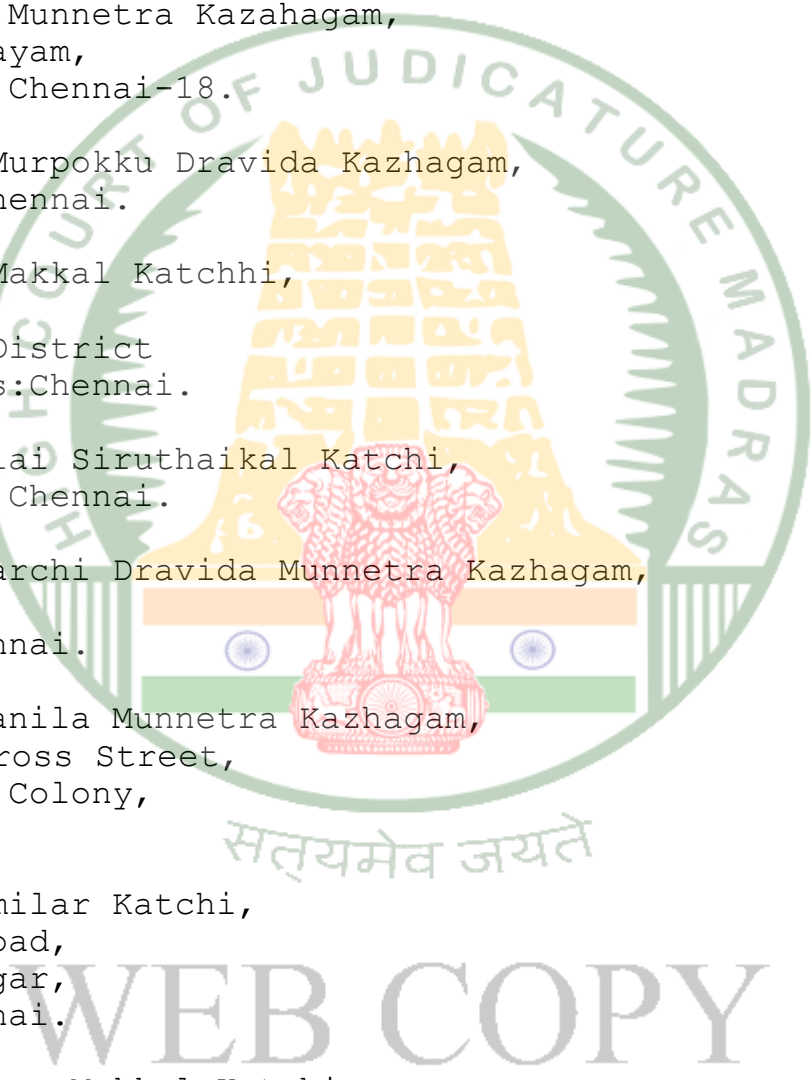
Mr.H.Velavadhas, learned counsel appearing for the respondents 2 and 3. Mr.A.K.Baskarapandian, learned counsel appearing for the respondents 6 and 7. Issue notice to the respondents 1,4 and 5 returnable in 21.03.2019. Private notice is also permitted through E-mail and Whatsapp etc.

2. The issue raised by the Petitioner is very important. Already, the Principal Bench of this Court passed an order of injunction prohibiting the erection of any Flex Board and Banners. Since it happens to be the election time, there is a possibility of erecting numerous Flex Boards, Cut-outs and Banners.

3. For manufacture of the above, mainly PVC (polyvinyl chloride) which is proved to produce toxins, is used. The feed stocks, additives and by-products produced and released during life cycle, PVC causes a range of health hazards including cancer, disruption of endocrine system, reproductive impairment, impaired child development and birth defects and neurotoxicity. In view of that, there shall be a direction prohibiting the use of banners, flex boards, PVC cut-outs, etc., by anybody including political parties.

4. Likewise, during the election time, many election meetings would be conducted by the political parties, in which the political parties would bring the people from outside the Constituencies by engaging lorry, buses, Autos and other vehicles to show their might and strength. This kind of mass transportation should be prohibited. If the people wanted to attend the meetings, on their own, they can come and the political parties cannot spend more money for transportation of the people to their venue. Therefore, it is necessary to *suo-motu* implead the General Secretary/President, representing the following political parties, as party respondents 8 to 23, in this Writ Petition:

1. The Bharathiya Janaya Party,
New Delhi.
2. The Indian National Congress,
New Delhi.
3. The All India Anna Dravida Munnetra Kazhagam,
226, Avvai Shanmugam Salai,
Royapettah,
Chennai.
4. The Dravida Munnetra Kazhagam,
Anna Arivalayam,
Anna Salai, Chennai-18.
5. The Desiya Murpokku Dravida Kazhagam,
Koyambedu, Chennai.
6. The Pattali Makkal Katchhi,
Dindivanam,
Vizhupuram District
Headquarters: Chennai.
7. The Viduthalai Siruthaikal Katchi,
Velacherry, Chennai.
8. The Marumalarchi Dravida Munnetra Kazhagam,
Thayagam,
Egmore, Chennai.
9. The Tamil Manila Munnetra Kazhagam,
No.14, 5th Cross Street,
Ellaiyamman Colony,
chennai.
10. The Nam Tamilar Katchi,
Hospital Road,
Senthil Nagar,
Porur, Chennai.
11. The Samuthuva Makkal Katchi,
Chennai,
Tamil Nadu.
12. The Tamil Nadu Muslim League,
40/33, Maraiyakkar Street,
Seethakathi Nagar,
George Town, Chennai.
13. The Forward Block,



Chennai, Tamil Nadu

14. The Amma Makkal Munnetra Kazhagam,
Chennai, Tamil Nadu.
15. The Marxist Communist Party of India
Chennai, Tamil Nadu.
16. The Communist Party of India,
Chennai.

5. Notice to the newly impleaded respondents 8 to 23/the political parties referred to above, returnable by 21.03.2019. Private notice including Courier and E-Mail is also permitted.

6. Mr.Kannan, learned counsel who has filed Writ Petition to make the existing election process as an effective one, is requested to assist this Court as an Amicus Curiae.

7. The authorities are directed not to allow any mass transportation of the people to the venue of the election meeting or for any procession to be taken out by the political parties except as per law.

8. Post the matter on **21.3.2019**, for further hearing.

sd/-
14/03/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SECRETARY,
NATIOANL HUMAN RIGHTS COMMISSION,
G.P.O. COMPLEX, MANAV ADHIKAR BHAWAN,
C, BLOCK, INA, NEW DELHI-110023.

2 THE HOME SECRETARY,
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6 THE HOME SECRETARY,
STATE OF TAMILNADU,
SECRETARIAT,
CHENNAI.

7 THE DIRECTOR GENERAL OF POLICE,
DR.RADHAKRISHNAN STREET,
CHENNAI.

+1. C.C. to K.K.RAMESH PARTY IN PERSON Advocate SR.No.4894

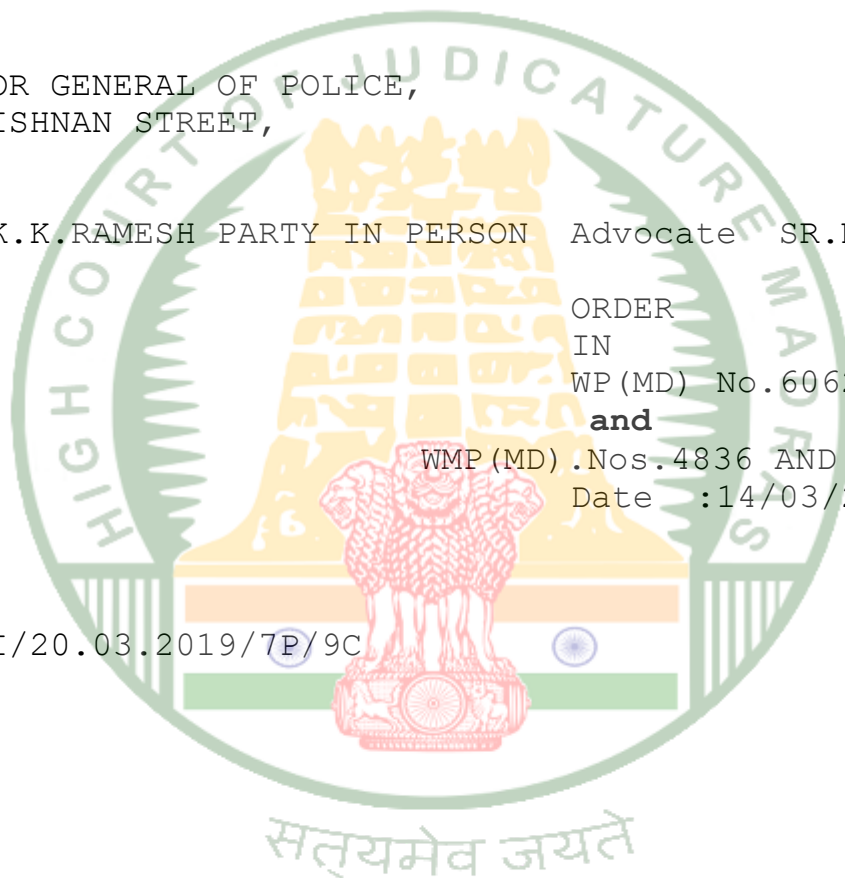
ORDER
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WP(MD) No.6062 of 2019

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Date :14/03/2019

AE/PN/SAR-III/20.03.2019/7P/9C



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