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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No. 12688 of 2024

Rajesh Anouar Mahimaidoss

...Petitioner

Vs.

The Election Commission of India,
Through the Chief Election Commissioner,
Nirvachan Sadan Ashoka Road,
New Delhi - 110001.

...Respondent

Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Mandamus

1. Directing the respondent to frame a system through which disseminates information to people and people representatives about the preamble, the 2017 judgment of the Hon'ble SC in the case Abhiram Singh vs. C.D. Commachen, and the corrupt practice under sec 123(3) of the RP Act 1951.

2. Directing the respondent to use their ambassadors and officer bearers to disseminate the above information through social media, main stream media, public places including theatres and other entertainment places.



3. Directing the respondent to upload the above details on ECI and state election commissions' websites, political parties' websites, and polling stations, and further direct the respondent to campaign for this noble cause to uphold the preamble of the constitution in the upcoming elections.

4. To oversee the enforcement of the 2017 Judgment of Hon'ble SC in the case Abhiram Singh vs. C.D. Commachen and the above prayers, this Hon'ble Court may be pleased to appoint an independent commission comprised of retired judges and human rights activities, and may further be pleased to pass any other order(s), as deemed fit and proper.

For Petitioner : Mr.Rajesh Anouar Mahimaidoss (P-in-P)

For Respondent : Mr.Niranjan Rajagopalan

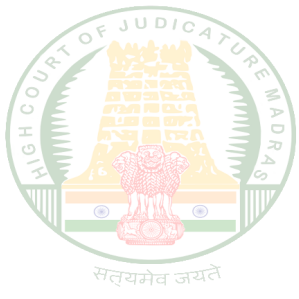
ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

The prayer in the writ petition reads as follows:-

1. Direct the respondent to frame a system through which disseminates information to people and people representatives about the preamble, the 2017 judgment of the Hon'ble SC in the case Abhiram Singh vs. C.D. Commachen, and the corrupt practice under sec 123(3) of the RP Act 1951.

2. Direct the respondent to use their ambassadors and officer bearers to disseminate the above information through social media, main stream media, public places including theatres and other entertainment places.



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3. *Direct the respondent to upload the above details on ECI and state election commissions' websites, political parties' websites, and polling stations, and further direct the respondent to campaign for this noble cause to uphold the preamble of the constitution in the upcoming elections.*

4. *To oversee the enforcement of the 2017 Judgment of Hon'ble SC in the case Abhiram Singh vs. C.D. Commachen and the above prayers, this Hon'ble Court may be pleased to appoint an independent commission comprised of retired judges and human rights activities, and may further be pleased to pass any other order(s), as deemed fit and proper."*

2. We have heard Mr.Rajesh Anouar Mahimaidoss (party-in-person) and Mr.Niranjan Rajagopalan, learned counsel appearing for the Election Commission of India.

3. A counter affidavit has been filed on behalf of the Election Commission. A reading of it shows that the Election Commission has been doing its best to achieve optimum turn out in the elections and also to ensure that the campaign in the election is not based on religion and caste.

4. In a vast country like ours, the change cannot be over night.



Democracy, though is 75 years old, is still in its infancy. Therefore, we can only hope that things change at least after some time and the people concerned namely, the citizens as well as the politicians change and they do not adopt caste or religion as the basis for either contesting in the election or for their voting preferences.

5. We do not think, such a mandamus sought for by the petitioner can be issued, in the light of the counter affidavit filed by the Election Commission. This Writ Petition is therefore, **dismissed**. No costs.

(R.S.M., J.) (G.A.M., J.)
21.02.2025

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Internet: Yes

Index: No

Speaking

Neutral Citation : No

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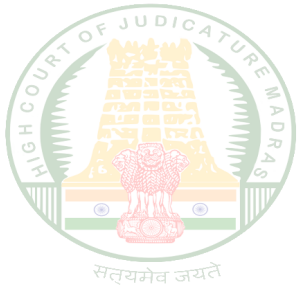


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R.SUBRAMANIAN, J.
and
G.ARUL MURUGAN, J.

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