

W.P.No.12853 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 07.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,  
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.12853 of 2026

Chinna Maharaja  
S/o. Karuppasamy  
No.6/82 Rice Mill Street  
Thalaiyuthu Post, Sankar Nagar  
Tirunelveli District.

Petitioner(s)

Vs

1. The Election Commission of India  
Nirvachan Sadan, Ashoka Road  
New Delhi.
2. The Chief Electoral Officer And  
Principal Secretary to Government  
Secretariat  
Fort St. George  
Chennai 600009.

Respondent(s)

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to extend the nomination filing period fixed from 30.03.2026 to 06.04.2026 for the Tamil Nadu Legislative Assembly Election, 2026, by considering the

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petitioner's representation dated 23.03.2026 within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.V.Sorimuthu  
(Through Video Conferencing)

For Respondents : Mr.Niranjan Rajagopalan

ORDER

(Order of the Court was made by  
the Hon'ble Chief Justice)

The writ petition under Article 226 of the Constitution of India has been filed seeking direction to respondents to extend the nomination filing period fixed from 30.03.2026 to 06.04.2026 for the Tamil Nadu Legislative Assembly Election, 2026, by considering the petitioner's representation dated 23.03.2026

2. The Election Commission of India has announced schedule for General Elections on 15.03.2026, in compliance with Section 30 of the Representation of the People Act, 1951, which is reproduced below:



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*"30. Appointment of dates for nominations, etc.—*

*As soon as the notification calling upon a constituency to elect a member or members is issued, the Election Commission shall, by notification in the Official Gazette, appoint—*

*(a) the last date for making nominations, which shall be the seventh day after the date of publication of the first mentioned notification or, if that day is a public holiday, the next succeeding day which is not a public holiday;*

*(b) the date for the scrutiny of nominations, which shall be the day immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;*

*(c) the last date for the withdrawal of candidatures, which shall be the second day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;*

*(d) the date or dates on which a poll shall, if necessary, be taken which or the first of which shall be a date not earlier than the fourteenth day after the last date for the withdrawal of candidatures; and*

*(e) the date before which the election shall*



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be completed.”

3. It is trite that once the election process has commenced, the invocation of judicial remedy has to be postponed till the completing of proceedings in elections. The Supreme Court in *Election Commission of India v. Ashok Kumar*<sup>1</sup>, held thus:

*“32. For convenience sake we would now generally sum up our conclusions by partly restating what the two Constitution Benches have already said and then adding by clarifying what follows therefrom in view of the analysis made by us hereinabove:*

***(1) If an election, (the term election being widely interpreted so as to include all steps and entire proceedings commencing from the date of notification of election till the date of declaration of result) is to be called in question and which questioning may have the effect of interrupting, obstructing or protracting the election proceedings in any manner, the invoking of judicial remedy has to be postponed till after the completing of proceedings in elections.***

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<sup>1</sup> (2000) 8 SCC 216



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(2) Any decision sought and rendered will not amount to "calling in question an election" if it subserves the progress of the election and facilitates the completion of the election. Anything done towards completing or in furtherance of the election proceedings cannot be described as questioning the election.

(3) Subject to the above, the action taken or orders issued by Election Commission are open to judicial review on the well-settled parameters which enable judicial review of decisions of statutory bodies such as on a case of mala fide or arbitrary exercise of power being made out or the statutory body being shown to have acted in breach of law.

(4) Without interrupting, obstructing or delaying the progress of the election proceedings, judicial intervention is available if assistance of the court has been sought for merely to correct or smoothen the progress of the election proceedings, to remove the obstacles therein, or to preserve a vital piece of evidence if the same would be lost or destroyed or rendered irretrievable by the time the results are



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declared and stage is set for invoking the jurisdiction of the court.

***(5) The court must be very circumspect and act with caution while entertaining any election dispute though not hit by the bar of Article 329(b) but brought to it during the pendency of election proceedings. The court must guard against any attempt at retarding, interrupting, protracting or stalling of the election proceedings. Care has to be taken to see that there is no attempt to utilise the court's indulgence by filing a petition outwardly innocuous but essentially a subterfuge or pretext for achieving an ulterior or hidden end. Needless to say that in the very nature of the things the court would act with reluctance and shall not act, except on a clear and strong case for its intervention having been made out by raising the pleas with particulars and precision and supporting the same by necessary material."***

*[emphasis supplied]*

4. In the light of the law enunciated by the Supreme Court in



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the aforesaid decisions, we are not inclined to entertain the present writ petition seeking extension of time for filing nominations. Accordingly, petition is dismissed. There shall be no order as to costs.

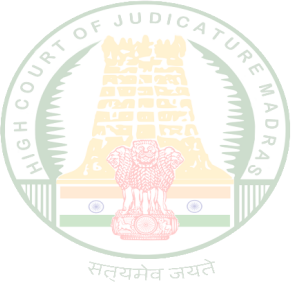
(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)  
07.04.2026

Index : Yes/No  
Neutral Citation : Yes/No

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To

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THE HON'BLE CHIEF JUSTICE  
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