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Order QR

W.P.No.38452 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.38452 of 2026



Case QR

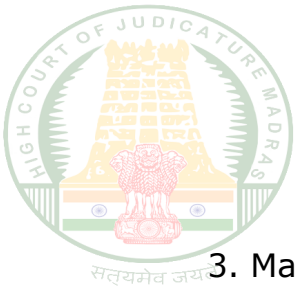
CNR:{HCMA012228012026}

S.Kasiramalingam,
Advocate & Senior Citizen,
No.208, New Addl. Law Chambers,
Madras High Court Building,
Chennai -600104.

Petitioner(s)

Vs

1. Election Commission of India,
Through its Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi-110001.
2. Ministry of Law and Justice,
Through its Secretary,
Ministry of Law and Justice,
Room No. 24107, 4th Floor,
Kartavya Bhawan-2,
New Delhi-110001.



Order QR

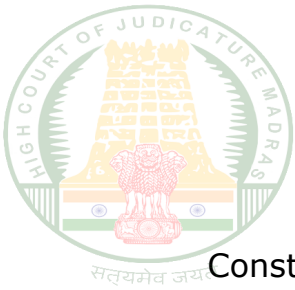
W.P.No.38452 of 2026

WEB COPY

3. Margatham Kumaravel,
(Ex-MLA, Maduranthakam Constituency),
No.120,Big Street, Chunampet Village & Post,
Cheyyur Taluk, Chengalpattu District -603401.
4. S.Jayakumar,
(Ex-MLA, Perundurai Constituency),
Door No. 2/14, Shanmugapuram,
Ponmudi Post, Perundurai Taluk,
Erode District -638056.
5. P.Sathyabama,
(Ex-MLA, Dharampuram Constituency),
Door No.238, Sathyabama Avenue,
Udumalpet Road, Dharapuram Taluk,
Tiruppur District -638656.
6. Esakki Subaya,
(Ex-MLA, Ambasamudram Constituency),
Esakki Illam, No.11,Teachers Colony,
Ambai Road, Melapalayam,
Tirunelveli District -627005.
7. Dr.C.Vijayabaskar,
(Ex-MLA,Viralimalai Constituency),
14/28-1, Sowashtra Street, Illuppur Post,
Pudukkottai-622102.
8. M.R.Vijaybaskar,
(Ex-MLA, Karur Constituency),
No.3/325, N.S.K.Nagar, L.N.S.(Post),
Vadivel Nagar, Karur -639002.

Respondent(s)

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the first Respondent to act upon petitioner representation dated 30.06.2026, by exercising the mandate of its constitutional power vested under Article 324 of the



Order QR

W.P.No.38452 of 2026

WEB COPY

Constitution of India, directing the Respondents 3 to 8 to reimburse Election expenses held on 23.04.2026 in the respective Constituencies of the Respondents 3 to 8, by declaring their resignations as MLAs are not genuine as contemplated under Article 190(3)(b), by betraying the voters' trust and confidence, that being an act of breach of Article 19(1)(a) basic fundamental rights of the voters in electing them to their respective constituencies on different labels and deposit such reimbursement expenses the same into the consolidated fund of India.

For Petitioner(s): Mr.A.Vidyasagar
(through video conferencing)

For Respondent(s): Mr.Niranjan Rajagopalan ,
Standing Counsel for R1
(through video conferencing)

ORDER

(Order of the Court was made by
G.Arul Murugan,J)

The writ petition, styled as public interest litigation, is filed seeking direction to first respondent to act upon petitioner's representation dated 30.06.2026, by exercising the mandate of its constitutional power vested under Article 324 of the Constitution of India and direction to respondents 3 to 8 to reimburse expenses for the election held on 23.04.2026 in their respective Constituencies, by



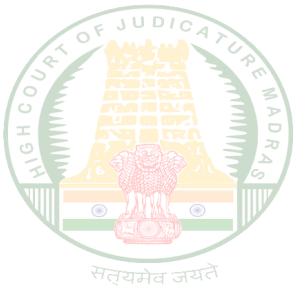
Order QR

W.P.No.38452 of 2026

declaring their resignations as MLAs are not genuine as contemplated under Article 190(3)(b) by betraying the voters' trust and confidence and that their act being in breach of Article 19(1)(a), basic fundamental rights of the voters in electing them to their respective constituencies on different labels, and to deposit such reimbursement into the consolidated fund of India.

2. Learned counsel for petitioner contended that in view of the resignation of respondents 3 to 8, which, according to petitioner, is unlawful, financial implication is caused and, therefore, the present writ petition has been filed.

3. At the outset, we have put learned counsel on notice that in W.P.No.37274 of 2026 (*K.Suthan v. The Union of India*), wherein, respondents 3 to 8 were also parties as respondents 6 to 11, the entire gamut of the issue was considered by this Court by a detailed order dated 24.09.2026 and the writ petition was dismissed on the ground that this Court cannot legislate. In spite of the same, learned counsel persisted and made submissions.



Order QR

W.P.No.38452 of 2026

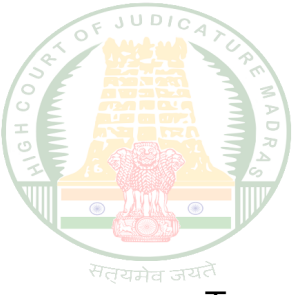
4. We find from the affidavit and the materials on record that this writ petition is filed only for publicity and out of vested interest, particularly, when the entire issue has already been considered by this Court in the order supra. As learned counsel for petitioner persisted to re-argue the matter, we are left with no other option except to dismiss the writ petition with costs.

5. The writ petition is dismissed with costs of Rs.1.00 lakh (Rupees one lakh only) to be paid to the Tamil Nadu State Legal Services Authority within a period of two weeks from today. If the costs is not paid, Registry shall initiate appropriate action to recover the same from petitioner.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
29.09.2026

Index : Yes/No
Neutral Citation : Yes/No

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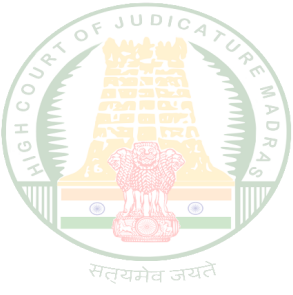
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To

1. Election Commission of India,
Through its Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi-110001.
2. Ministry of Law and Justice,
Through its Secretary,
Ministry of Law and Justice,
Room No. 24107, 4th Floor,
Kartavya Bhawan-2,
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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Page 7 of 7