

APHC010069182024



IN THE HIGH COURT OF ANDHRA PRADESH ::
AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE DHIRAJ SINGH THAKUR

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

WRIT PETITION (PUBLIC INTEREST LITIGATION) NO: 52 OF 2024

Between:

Janavahini Party

... Petitioner(S)

And

Election Commission of India and Others

... Respondents

Counsel for the Petitioner : Mr. Y. Kamala Rani represented by
Mr. D. S. N. V. Prasad Babu

Counsel for the Respondents : Mr. D. S. Sivadarshan

The Court made the following:

PER DHIRAJ SINGH THAKUR, CJ (Oral):

The present petition has been filed purportedly in public interest by the petitioner which claims to be a registered political party. The petitioner seeks the issuance of a Mandamus, directing the respondent No.1 i.e., Election Commission of India to arrange Breath Analyzers at the entry point at every polling booth. For purposes of reference, following is the prayer made in the Writ Petition (PIL).

"It is, therefore, prayed that this Hon'ble Court may be pleased to issue an order or orders, direction or Writ, more particularly one in the nature of Writ of Mandamus challenging the inaction of respondent No.1 - Election

Commission of India on the representation dated 06.01.2024 of the petitioner seeking arrangement of Breathing Analyzer at the Entry Point of every Queue being maintained at every Polling Booth and allow the voters for exercise of their Voting Right, who are uninfluenced by alcohol, as arbitrary, illegal, biased, unconstitutional, against the principles of natural justice, violative of the provisions of Representation of Peoples Act, 1951 and consequently, direct respondent No.1 - Election Commission of India to arrange Breathing Analyzer at the Entry Point of every Queue being maintained at every Polling Booth and allow the voters for exercise of their Voting Right, who are uninfluenced by Alcohol and pass such other order or orders as this Hon'ble Court may deem fit and proper in circumstances of the case.”

2. Learned counsel for the petitioner has failed to draw our attention to any specific legal provision which would make it obligatory for the Election Commission of India, to ensure that every person who enters a polling booth is subjected to a Breath Analyzer test before a person is permitted to cast his/her vote.

3. In our opinion, the writ petition (PIL) is devoid of merit and is, accordingly, dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ.

R. RAGHUNANDAN RAO, J.