



W.P.(MD) No.187 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

CORAM :

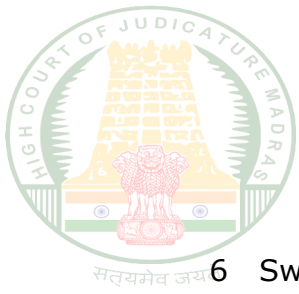
THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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- 1 M.Raj Mohamed
President, Students Council (2023-2024)
Madurai Medical College, Panagal Road
Alwarpuram, Madurai - 625020.
- 2 B. Yalini
Vice President, Students Council (2023-2024)
Madurai Medical College, Panagal Road
Alwarpuram, Madurai - 625020.
- 3 Alwin john
General Secretary, Students Council (2023-2024)
Madurai Medical College, Panagal Road
Alwarpuram, Madurai - 625020.
- 4 J.Anamika
General Secretary, Students Council (2023-2024)
Madurai Medical College, Panagal Road
Alwarpuram, Madurai - 625020.
- 5 U.S.Kamalesh
Boys Hostel General Secretary
Students Council (2023-2024)
Madurai Medical College
Panagal Road, Alwarpuram
Madurai - 625020.



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6 Swernarekha
Girls Hostel General Secretary
Students Council (2023-2024)
Madurai Medical College
Panagal Road Alwarpuram
Madurai – 625020.

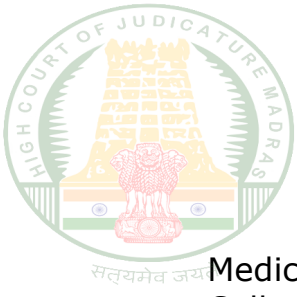
.. Petitioners

Vs

- 1 The Election Commission of India
Rep. by the Chief Election Commissioner
Nirvachan Sadan, Ashoka Road
New Delhi - 110001.
- 2 The Chief Electoral Office of Tamil Nadu
and Principal Secretary to Government
Public (Elections III) Department
Secretariat, Fort St. George
Chennai – 600 009.
- 3 The State of Tamil Nadu
Rep. by its Principal Secretary
Health and Family Welfare Department
Secretariat, Chennai – 600 009.
- 4 The District Collector cum District Election Officer
Madurai District, Madurai.
- 5 The Revenue Divisional Officer
Madurai District, Madurai.
- 6 The Dean
Madurai Medical College, Madurai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 4 to permanently shift the vote counting centre from Madurai Medical College, Madurai, to some other location for the upcoming 2024 Parliamentary election and all other elections in future on the basis of the representation made on 22.11.2023 by the petitioners and other



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Medical and Para Medical students studying in the Madurai Medical College within a stipulated time.

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For the Petitioners : Mr.B.Saravanan
Senior Counsel
for Mr.D.Kirubakaran

For the Respondents : Mr.Niranjan Rajagopalan
for 1st respondent

: Mr.K.Karthik Jegannath
Government Advocate
for respondents 2 to 5

: No appearance
for 6th respondent

ORDER

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

Heard Mr.B.Saravanan, learned Senior Counsel appearing on behalf of Mr.D.Kirubakaran, learned counsel for the petitioners; Mr.Niranjan Rajagopalan, learned counsel for the first respondent; and Mr.K.Karthik Jegannath, learned Government Advocate for respondents 2 to 5.

2. The present writ petition is filed seeking directions against



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respondents 1 to 4 to permanently shift the vote counting centre from Madurai Medical College, Madurai, to some other location for the upcoming 2024 parliamentary election and all other elections in future.

3. Learned Senior Counsel for the petitioners submits that the Madurai Medical College is a premier institution in Madurai. It has a college and hospital. As the said building is requisitioned for being used as a counting centre, the staff and the students would be subjected to large scale difficulties. It also affects their day-to-day activity. The academic interest is jeopardized.

4. Learned Senior Counsel for the petitioners further submits that the building, which is to be taken in possession by the authorities of the Election Commission of India, houses the pathology lab and library. Even the students will not be in a position to freely access the library. The examinations are around the corner. The respondents can identify an alternative building for using it as a counting centre. There are other government



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institutions and offices which can be used by the respondents.

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5. Learned counsel for the first respondent/Election Commission of India submits that, as per the instructions of the Commission, the educational institutions are earmarked as counting centres, as a last resort. The preference is given to other government infrastructure available. In respect of Madurai Parliamentary Constituency, the Madurai Medical College has been the counting centre at least since the parliamentary elections of 1998. During the assembly elections, other centres have been used in addition to the Madurai Medical College. However, in case of parliamentary elections, as it is advisable to have the counting for all the assembly segments in a single venue, the Madurai Medical College has been the preferred location, both on logistical and practical considerations, as well as from security point of view.

6. Learned counsel for the first respondent further submits that the Madurai Medical College is comprised in land admeasuring more than five acres. There are nine buildings, out of which only

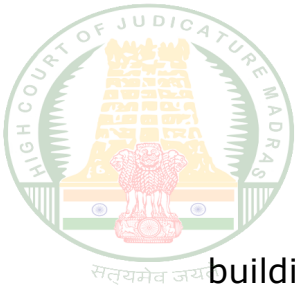


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one portion of the administrative block is to be utilized for the purpose of elections. Insofar as Anatomy department's objection is concerned, one portion of the hall, which was used in the previous election, will be shifted to a different room considering the request made by the department. The classes would not be affected. The district administration was also asked to inspect various other buildings. 12 buildings were inspected, however were not found suitable. The inspection report is also placed on record.

7. Now, the parliamentary elections are already declared. The polling is scheduled on 19.4.2024. For the present parliamentary elections, it would not be advisable and possible to issue directions to the Election Commission to shift the counting centre. It will be too late in the day to pass such an order. However, we may hasten to add that the apprehension expressed by learned Senior Counsel for the petitioners is not unfounded. The Madurai Medical College also consists of hospitals and various departments. Possession of a part of the building meant for Anatomy Department is to be taken by the Election Commission. The Pathology room is in the same



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building. The library is also in the same building. At the time of entry, every student and staff member will have to show his/her identity card. The said arrangement is not for a day or two. The building of the Madurai Medical College would be taken in possession one week before the elections and they will continue to hold the same till the counting is over, i.e., 4.6.2024. For almost 1½ months, the said building would be in the possession of the Election Commission and its authorities. For 1½ months, the students and the staff will have to face the difficulty each time they enter the premises. The hostels are also situated in the same premises. They will have to prove their identity every time they enter the premises. Certainly, the students and the staff would be facing lot of difficulty. The respondents, certainly, can consider other venues and/or buildings for using them as counting centres. Madurai is not a small city and has various government buildings and institutions, as contended by learned Senior Counsel for the petitioners.

8. In the light of that, we expect the respondents to spare the



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building of the Madurai Medical College from being used as the counting centre and/or polling centre for the future elections.

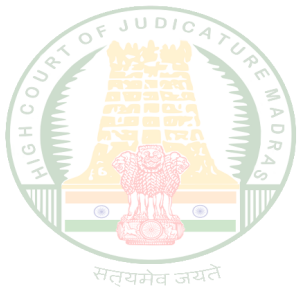
The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P. (MD) No.208 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

22.03.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

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Election Commission of India
Nirvachan Sadan, Ashoka Road
New Delhi - 110001.
- 2 The Chief Electoral Office of Tamil Nadu
and Principal Secretary to Government
Public (Elections III) Department
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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