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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi- 110001

No.56/2/LET/ECI/PP/PPS-II/2018/Vol.-II

Date:31st October, 2018

To

Sh. K.C. Palanisamy,
S/o Chenniappa Gounder,
322, Thadagam Road,
RS Puram Coimbatore-641 002
Tamil Nadu

Sub:- Representations filed by Sh. K.C.Palanisamy in respect of AIADMK, a recognized party in the State of Tamil Nadu-regarding

Sir,

I am directed to refer to the order dated 13.09.2018 of the Hon'ble High Court of Delhi in the LPA No. 453 of 2018 (O. Paneerselvam and another Vs. K.C. Palanisamy & others). In the order dated 13-09-2018 in the said LPA, the Hon'ble High Court directed as follows:-

".....the present appeal is disposed of with liberty granted to the appellants and the respondent No.3 to submit their replies to the respondent No.1's pending representation within four weeks, to the respondent No.2(ECI), who shall then consider the same and decide the respondent No.1's representation in accordance with law, within four weeks."

2. In pursuance of the above mentioned order dated 13-09-2018, Smt. V.K.Sasikala, Sh. O.Pannerselvam and Sh. Edappadi K Palaniswami, Respondents, have submitted their replies. Copies of the same are enclosed herewith.

3. The main issues raised and relief claimed in your representation dated 06.01.2017 and your subsequent representations dated 20.01.2017, 24.02.2017, 20.03.2017, 21.03.2017, 14.04.2017 and 21.05.2017 were :-

(i) Not to recognize the nomination/appointment of Ms. Sasikala as General Secretary of AIADMK made in the general council meeting of the party held on 29-12-2016, on the ground that it was done in violation of the provisions of the party bye-laws;

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(ii) The right to the reserved symbol “Two Leaves” of the AIADMK may be granted to the faction led by Sh. O.Panneerselvam and Mr. Edappadi K.Palaniswami; and

(iii) The amendments made to the bye-laws of the party in the general council meeting of 12-09-2017 should not be accepted.

(iv) You had also requested that an officer of the Commission should be deputed to conduct the internal elections of AIADMK and that the office bearers should not be allowed to fritter away the assets of the party.

3. In this regard, it is stated that the representations in question regarding matters relating to dispute in AIADMK were already considered by the Commission along with the several other documents filed by the two groups in the dispute case and other intervening persons in the case. In connection with the said dispute case, you had filed application requesting to be heard in the matter and accordingly, accepting your request, you were also duly heard in the matter. You were present in person along with your counsel in the hearings in the case held on various dates in the months of October and November 2017. All these facts are recorded in the Commission’s Order dated 23.11.2017 passed in the said dispute case.

4. By the said order, the Commission recognised the group led by Sh. O. Paneerselvam and Shri E.K. Palaniswami as the AIADMK. Therefore, the issue raised by you regarding the validity of appointment of Smt. Sasikala as General Secretary of the party does not survive now. Further, the request for recognising the group led by Sh. Paneerselvam and Shri E.K. Palaniswami as the AIADMK also stands granted as per the Commission’s order dated 23-11-2017.

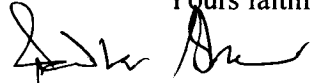
5. As regards your other request that the amendments made to the party bye-laws should not be recognised, it may be noted that the impugned changes in the bye-laws were made in the General Council meeting of the Party convened on 12.09.17. The changes were made prior to the hearings in the dispute case held in October- November, 2017 in which you were yourself present in person and made submissions through your counsel as well. Further, there was a Civil Suit (CS No. 707 of 2017 filed before the Hon’ble Madras High Court (P Vetrivel Vs. E Madhusudhanan & others) challenging the said general council meeting. Permanent Injunction was sought against holding the said meeting. The Division Bench of the Hon’ble High Court vide their order dated 11-09-2017, agreed with the decision of the Single Bench and refused to grant any injunction, and held that “any decision taken at the impugned meeting will be subject to the final outcome in the appeal”. The matter is understood to be still pending and final orders have not been passed. Therefore, the request for not recognizing the changes

made in the bye-laws of AIADMK at the aforesaid general council meeting held on 12-09-2017 is not sustainable. It may also be noted that there is another Writ Petition filed before the Hon'ble Delhi Court challenging the Commission's abovementioned order dated 23-11-2017 in the dispute case.

6. As regards the request to depute officer of the Commission to supervise the internal elections of the Party, it may be noted that conducting elections of political parties is not a mandate of the Commission. Regarding the matter of assets of the Party, your attention is invited to the judgment of the Hon'ble Supreme Court in the matter of Sadiq Ali vs Election Commission of India and others (AIR 1972 SC 187), wherein it was held that " the Commission while deciding the matter under Paragraph 15 does not decide dispute about property. The proper forum for adjudication of disputes about property are Civil Courts".

7. In view of the above, there is nothing left to be decided in your representations referred to above. There is no requirement of personal hearing in this regard. All the representations stand disposed of.

Yours faithfully,


(PRAMOD KUMAR SHARMA)
SECRETARY

Enclosures:-Copies of replies filed by Sh. O.Panneerselvam and Smt. V.K.Sasikala

Copy To:-

- 1) Smt. V.K. Sasikala,
Prisoner No.9234, Parappana Agrahara Jail, Bengaluru, Karnataka 560 100
(to be served through CEO, Karnataka).

It is informed that in view of the legal and factual position mentioned above, no personal hearing is considered necessary in this matter.

- 2) Sh. O.Panneerselvam and Mr. Edappadi K.Palaniswami,
Co-ordinator and Joint Coordinator,
All India Anna Dravida Munnetra Kazhagam
275,Avvai Shanmugam Salai,
Royapettah,
Chennai-600014 (Tamil Nadu).