

W.P.No.22340 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2026

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CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.22340 of 2026

B.Ramkumar Adityan
S/o.R.Balakrishnan Adityan and
Mrs.Selvarathi
No.563, Thoothukudi Road,
Virapandianpattinam,
Tiruchendur Taluk - 628216
Thoothukudi District.

Petitioner(s)

Vs

1. The Secretary,
Ministry of Home Affairs,
North Block, New Delhi - 110 001.
2. The Secretary,
Ministry of Law and Justice,
4th Floor, A-Wing, Shastri Bhawan,
New Delhi - 110 001.
3. The Chief Election Commissioner,
O/o. Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.



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4. The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Chennai - 600 009.

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5. The Chief Electoral Officer cum
Principal Secretary,
Public (Elections) Department,
Government of Tamil Nadu,
Chennai - 600 009.

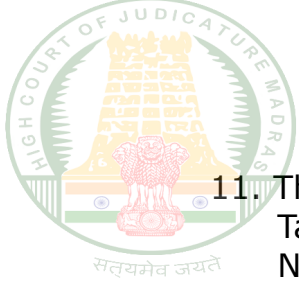
6. The Secretary,
Legislative Assembly Department,
Government of Tamil Nadu,
Chennai - 600 009.

7. The Director
Central Bureau of Investigation,
Plot No.5-B, CGO Complex, Lodhi Road,
New Delhi - 110 003.

8. The Regional Director,
Special Crime Branch,
Central Bureau of Investigation,
No.26, Shastri Bhawan, 3rd Floor,
Haddows Road, Shastri Bhavan,
Chennai - 600 006.

9. The Director General of Police,
Tamil Nadu Police, Dr.Radhakrishnan Salai.
Mylapore, Chennai - 600 004.

10. The General Secretary,
All India Anna Dravida Munnetra
Kazhagam (AIADMK), Puratchi Thalaivar
M. G. R. Maaligai, No. 226,
Avvai Shanmugam Salai (Lloyds Road)
Royapettah, Chennai - 600014.



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11. The General Secretary,
Tamilaga Vettri Kazhagam (TVK)
No.275, Sea Shore Town, 8th Avenue,
Panaiyur, Chennai - 600119.
12. S.Jeyakumar,
S/o. P.C.Subramani,
No.2/14, Shanmughapuram,
Ponmudi Post - 638 056, Perunthurai Taluk,
Erode District.
13. P.Sathyabama,
W/o.K.Ponnusamy,
No.31/6. Anna Nagar, Dharapuram
Tirupur District - 638 656.
14. K.Maragatham Kumaravel,
W/o. S.Kumaravel,
No.1/241, Eswaran Koil Street,
Senganmal Thaiyur, Kelambakkam Post,
Chengalpattu District - 603 103.
15. Dr.E.Subaya @ Esakki Subaya,
S/o. S.Esakki Pandian,
No.31-70, Utchimakaliyamman Kovil Street,
Prancheri, Gopalapuram - 627 451,
Cheranmahadevi Taluk, Tirunelveli District.
16. Anand alias Munusamy,
S/o.Narayanasamy,
No.M-401, 4th Floor, Bhaggyam Pragathi
Phase-2, Karapakkam, Chennai - 600 097.
17. Aadhav Arjuna
S/o.Rajendran,
No.19-6-3, Gopalakrishna Garden,
Maharani Chinnamma Road, Venus Colony,
Alwarpet, Chennai - 600 018.

Respondent(s)



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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 7th and 8th respondents/CBI to investigate the irregularities and corruption in the matter of resignation of the 12th to 15th respondents from the Legislative Assembly Membership and joining the 11th Respondent Party/TVK and other relevant allegations and initiate criminal proceedings against defaulters under provisions of the Prevention of Corruption Act, 1988 as amended in 2018 as requested in the petition of the complaint dated 27.05.2026 and 30.05.2026 within stipulated time.

For Petitioner(s): Mr.S.Sankar

For Respondent(s): Mr.K.Kumaran
Government Pleader
for R4 to R6

ORDER

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

This writ petition, styled as a public interest litigation under Article 226 of the Constitution of India, has been instituted by the petitioner, a practising advocate and a member of the tenth respondent political party (AIADMK). The petitioner seeks issuance of a writ of mandamus directing respondent Nos.7 and 8, namely the Central Bureau of Investigation (CBI), to investigate alleged



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irregularities and systemic corruption regarding the voluntary resignations of respondent Nos.12 to 15 from their respective seats in the 17th Tamil Nadu Legislative Assembly, and their subsequent immediate entry into the eleventh respondent political party, Tamilaga Vettri Kazhagam (TVK). The petitioner further prays for the initiation of criminal proceedings against the defaulters under the provisions of the Prevention of Corruption Act, 1988 (as amended in 2018), as requested vide his complaints dated 27.5.2026 and 30.5.2026.

2. The matrix of factual assertions detailed by the petitioner in his affidavit reveals that pursuant to the general elections to the 17th Tamil Nadu Legislative Assembly held on 23.4.2026, the eleventh respondent party (TVK) emerged as the single largest party with 108 seats, but fell short of the necessary majority threshold of 118 seats in a House of 234. After forging a coalition alliance and garnering outside support from various other political parties, a vote of confidence was executed on 13.5.2026. Respondent Nos.12 to 15, who had contested and successfully returned as candidates sponsored by the tenth respondent party



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(AIADMK), allegedly voted in favor of the TVK government during the floor test, acting contrary to the explicit legislative direction or 'whip' issued by their parent party. While disqualification petitions under the Tenth Schedule were activated by the tenth respondent party before the Speaker, respondent Nos.12 to 15 tendered their formal resignations from the Assembly on 25.5.2026 and 26.5.2026. These resignations were accepted by the Speaker. Immediately thereafter, the said respondents joined the eleventh respondent party.

3. The core grievance of the petitioner is that respondent Nos.12 to 15, having expended substantial sums of money up to the statutory ceiling limit of Rs.40,00,000/- for their election campaigns, could not have realistically treated their legislative positions as trivial and surrendered them within days of taking the oath unless induced by illicit gratification or promises of executive or remunerative political office. It is contended that such "party-hopping" and "political horse-trading" constitute a direct "murder of democracy" and impose a burden on the exchequer to the tune of approximately Rs.100 Crores due to unnecessary bye-elections that



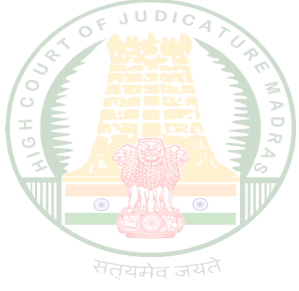
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have to be held. Based on these assertions, the petitioner made complaints on 27.5.2026 and 30.5.2026 seeking an investigation by the CBI, and as the said representations did not elude any response, the petitioner has approached this Court.

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4. We have heard learned counsel for the petitioner and scrutinously examined the pleadings, affidavits, and the statutory and legal materials appended to the typed set of papers.

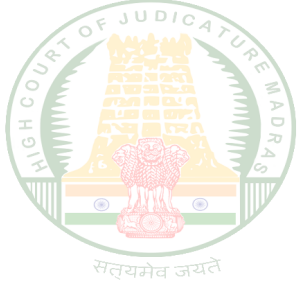
5. At the threshold, we must observe that the entire edifice of the writ petition rests upon conjectures, suspicion and a total absence of foundational material facts. A bare perusal of the asseverations made in the writ petition demonstrates that except making highly generalized, sweeping and vague allegations of corruption and financial inducement against the private respondents, the petitioner has failed to produce an iota of tangible material before this Court. The affidavit states that because respondent Nos.12 to 15 resigned within ten days and shifted party alignments, it must be "believed" that horse-trading occurred under the influence of unaccountable wealth.



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6. It is a well-settled principle of constitutional and criminal jurisprudence that an investigation by a specialized agency like the CBI cannot be ordered as a matter of course, solely based on the subjective belief of a litigant. Pleadings in a public interest litigation targeting public dignitaries and elected representatives must possess a high degree of precision and should be backed by relevant material obtained upon research, and not based on speculative hypothesis.

7. The law is unambiguous that a fishing or roving enquiry cannot be directed by a constitutional court under Article 226 of the Constitution of India based on vague assertions. The extraordinary power to direct an investigation by the CBI is to be exercised sparingly, cautiously, and only in exceptional situations where a *prima facie* case of a clear cognizable offence is established by evidentiary facts. The Supreme Court of India has consistently cautioned against entertaining petitions that seek to invoke investigative processes in the absence of absolute concrete material.

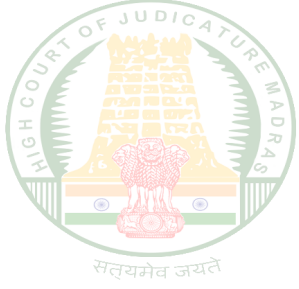


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8. In this context, it is instructive to rely upon the *locus classicus* on this subject, viz., a decision of the Supreme Court in *Save Mon Region Federation and another v. State of Uttar Pradesh*¹, wherein it was emphatically held that while the High Court has the jurisdiction to direct a CBI inquiry, such power must be exercised with great restraint. The relevant paragraphs of the said decision are reproduced hereunder:

*"6. The petitioners seek a direction for investigation by the CBI or, in the alternative, the constitution of a SIT. **It is well settled that, in exercise of jurisdiction under Article 32 of the Constitution, this Court possesses the constitutional authority to direct that an investigation be carried out by an agency other than the ordinary State investigating machinery, including the CBI, where the circumstances of the case so warrant. At the same time, the jurisprudence of this Court has consistently emphasised that such power is to be exercised with restraint.***

7. In *State of W.B. v. Committee for Protection of Democratic Rights*, (2010) 3 SCC 571, the



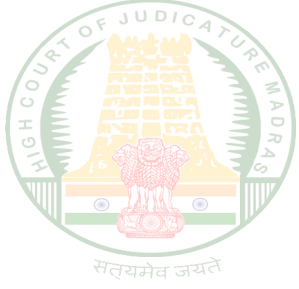
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Constitutional Bench of this Court held that a direction by a constitutional court to the CBI to investigate a cognizable offence within the territory of a State is not barred merely for want of State consent, and such a direction does not violate the federal structure or the doctrine of separation of powers. The Court also underscored that constitutional courts, as protectors of civil liberties, have not only the power but also the obligation to protect fundamental rights, including under Article 21. However, the same decision cautions that the very amplitude of the power under Articles 32 and 226 of the Constitution of India requires great care in its exercise. It has been reiterated that a direction to the CBI is not to be made as a matter of routine or merely because allegations have been levelled against the local police. **The extraordinary power is to be exercised sparingly and cautiously, and in exceptional situations where it becomes necessary to lend credibility and instil confidence in the investigation, or where the incident has wider ramifications, or where such a course is necessary for doing complete justice and enforcing fundamental rights.**

...

8. The governing principle is that transfer of investigation to the CBI is justified only in rare and exceptional cases where it is necessary to do

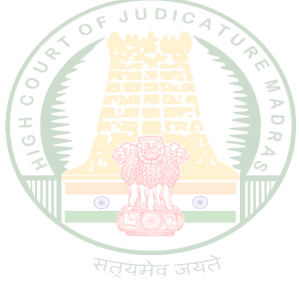


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justice between the parties and to instil confidence in the public mind, or where the investigation by the State police lacks credibility and it is necessary to secure a fair, honest and complete investigation. Illustratively, such transfer may be warranted where high officials of the State are involved, where the accusation is against top officials of the investigating agency such that they may influence the course of investigation, or where the investigation is prima facie found to be tainted or biased.

9. These principles also make it clear that this Court, while considering a request for CBI investigation or constitution of an SIT, does not undertake an adjudication on culpability. The Court examines whether the material placed discloses a prima facie case which necessitates entrustment of investigation to an independent agency so that the rule of law is upheld and the investigative process commands confidence, particularly where the status or authority of persons implicated may reasonably give rise to apprehensions about the impartiality of the ordinary investigative process. **In determining whether the extraordinary jurisdiction to entrust investigation to the CBI should be exercised, the Court ordinarily examines whether the material placed before it discloses (i) a prima facie case raising**



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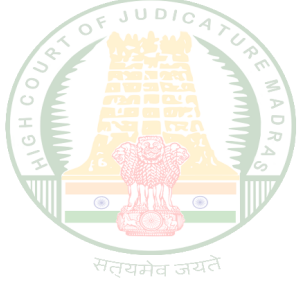
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serious questions of legality, (ii) circumstances suggesting that investigation by the ordinary State machinery may not inspire confidence where high public functionaries are implicated, and (iii) the necessity of an independent inquiry to preserve public confidence in the rule of law.”

[emphasis supplied]

9. In the case at hand, the petition itself is based on the assumption of corruption, without giving any details about the transactions or source of such information and, therefore, in our firm view, this public interest litigation is nothing but a classic example of a fishing expedition.

10. When this court raised a specific query as to whether there are any documents in support of the asseverations made in the writ petition, learned counsel for the petitioner only sought to refer to certain decisions of the Supreme Court. In our considered opinion, judgments and legal precedents are authorities for the propositions of law they decide and they do not serve as a substitute for the foundational facts that a petitioner is bound to establish within the four corners of his pleadings.



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11. While a sudden realignment of political loyalty by respondent Nos.12 to 15 may cause financial strain due to the necessities of conducting a bye-election, such political choices do not *ipso facto* translate into criminal misconduct under the Prevention of Corruption Act, in the complete absence of proof of an unlawful *quid pro quo*.

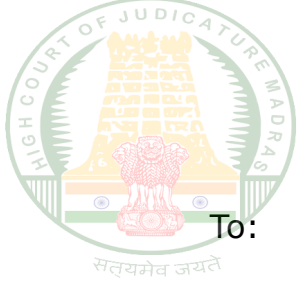
12. For the aforegiven reasons, we hold that the writ petition is entirely misconceived, devoid of specific factual details, and legally unsustainable.

As a corollary, the writ petition is dismissed, sans costs.

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

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Index : Yes
Neutral Citation : Yes
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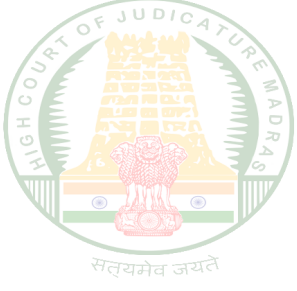
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AND
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