



WEB COPY



WP (MD) No.35544 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP(MD) No. 35544 of 2025

1. K.R.Raja
S/o.K.Rajendiran, 27a, 10th Cross, Lurdhu
Nagar 7th Street, K.Pudhur, Madurai - 625 007.

Petitioner(s)

Vs

1. Union Of India
Through Its Secretary, Ministry Of Law And
Justice, Shastri Bhawan, New Delhi - 110 001
and 12 others

Respondent(s)

For Petitioner(s): Dr.R.Alagumani (through Video Conferencing)

For Respondent(s): Mr.Ar.L.Sundaresan
Addl. Solicitor General Of India
Assisted By Mr.K.Govindarajan
Deputy Solicitor General Of India
For R1.
Mr.Niranjan Rajagopalan
For RR 2 and 4.
Mr.E.Vijay Anand
Addl. Govt. Pleader
For RR3 and 5 To 13.



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ORDER

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This petition has been filed by the petitioner seeking issuance of writ of mandamus directing the respondents to carry out a special intensive revision of voter list so as to ensure that under-trial prisoners, remand prisoners, preventively detained individuals and those nearing release are not wrongfully deleted and also to create mechanism for claims, objections, corrections and inclusions within prison facility with a further prayer for preparation of secure, accessible voting arrangements for inmates in alignment with judicial developments.

2. In the counter-affidavit filed by the respondents, it is highlighted that right to vote is regulated by the provisions contained in Section 62 of the Representation of Peoples Act, 1951. Sub-section (5) thereof, debars the persons from voting in any election if he is confined in a prison, whether under a sentence of imprisonment of transportation or otherwise, or is in the lawful custody of the police with the proviso that it shall not apply to a person subjected to preventive detention under any law for the time being in force.



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3. Learned counsel for the respondents would further submit that in the matter of challenge to the SIR which is being conducted in the State of Tamil Nadu, a petition has been filed and pending consideration before the Hon'ble Supreme Court. A copy of the order dated 11.11.2025 passed by the Supreme Court has also been placed before us, where the matters pending in the High Courts touching the validity of the SIR of electoral rolls in respective States are required to be kept in abeyance/deferred.

4. Learned counsel appearing for the respondents/Election Commission would submit that the issue which has been raised by the petitioner touches upon the validity of the SIR, as, according to the petitioner, while conducting SIR, those who are in prisons, are not being included in the electoral rolls and for which purpose, mandamus is prayed for.

5. In view of the order which has been passed by the Hon'ble Supreme Court on 11.11.2025, the proceedings of this case are kept in abeyance, however, with liberty to mention as and when eventuality so arises.



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WEB COPY Adjourned *sine die*.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (G.ARUL MURUGAN, J.)
19.01.2026

sra



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN, J.

(sra)

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