

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.6142 of 2026
and WMP No.6639 of 2026

Desiya Makkal Sakthi Katchi
Rep. by its President, M.L.Ravi,
21/11, Venkatraman Street, Mint,
Chennai-600 001.

Petitioner(s)

Vs

1. Election Commission of India
Nirvachan Sadhan, No.1,
Ashoka Road,
New Delhi-110 001.
2. The Chief Electoral Officer
Public Elections Department,
Secretariat, Fort St. George,
Chennai-600 009

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the entire records of the proceedings in No.56/Symbol/2025/PPS-II/Vol-XIX/490, dated 31.01.2026, issued by the first respondent and to quash the same and direct the first respondent to consider the

petitioner's application dated 14.11.2025 for allotment of common symbol and allot a common symbol within a time frame fixed by this court.

For Petitioner(s): Mr. T.Sivagananasambandan

For Respondent(s): Mr.Niranjana Rajagopalan
Standing Counsel

ORDER

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

Seeking quashment of the proceedings dated 31.1.2026, in and by which the application of the petitioner seeking allotment of common symbol to its candidates for the upcoming general elections was rejected, the present writ petition is filed. The petitioner has also sought a consequential direction to allot a common symbol within a time frame.

2. According to learned counsel for the petitioner, the impugned order has been passed without affording an opportunity to the petitioner to cure the defects, which are merely procedural in nature. It is further submitted that the condition that the petitioner/political party is seeking a common symbol for the third

time and had not secured 1% votes in the 2021 Tamil Nadu Legislative Assembly Elections is wholly misconceived, in as much as there is no embargo stipulated in Para 10B of the Election Symbols (Reservation and Allotment) Order, 1968.

3. Refuting the aforesaid submission, learned Standing Counsel for the respondents submitted that the petitioner/political party after having availed the concession contained in Para 10B of the Election Symbols (Reservation and Allotment) Order, 1968 on two occasions, had not satisfied the criteria stipulated for the third time, viz., securing at least 1% of the total votes polled in the State, and, therefore, the application of the petitioner was rightly rejected and warrants no interference.

4. Before advertng to the merits of the rival contentions, it is apposite to refer to the relevant Explanations under Para 10B(B) of the Election Symbols (Reservation and Allotment) Order, 1968, which reads thus:

"10B - Concession to candidates set up by registered (unrecognized) parties and to unrecognized parties

which were earlier recognized parties more than 6 years back.

Subject to the provisions of clause (b) of subparagraph (3) of paragraph 12, the candidates set up by a registered unrecognized political party at the general election to the Legislative Assembly of a State or to the House of the People, may be allotted a common symbol, subject to fulfilment of the following conditions :-

(A) At a general election to the Legislative Assembly-

...

(B) At a general election to the House of the People -

...

Explanation - For the removal of doubt, it is hereby clarified that -

(i) The concession of allotment of common symbol to the candidates of a registered unrecognized party under this paragraph shall be available to a party at any two general elections to the House of the People, or any two general elections to a State Legislative Assembly or at one general election to the House of the People and the other at a general

election to a State Legislative Assembly, as the party may choose.

(ii) A party that has availed of this concession on two occasions shall, however, be eligible for the concession in any subsequent general election subject to the condition that on the previous occasion when the party availed of the facility, the votes polled by all the contesting candidates set up by the party at the general election in the State concerned was not less than one percent of the total valid votes polled in that State.

..."

[emphasis supplied]

5. From a bare perusal of Explanation (i) to Para 10B(B) of the Election Symbols (Reservation and Allotment) Order, 1968, it is apparent that the concession of allotment of common symbol to the candidates of a registered unrecognized party shall be available to a party at any two general elections to the House of the People, or any two general elections to a State Legislative Assembly or at one general election to the House of the People and the other at a general election to a State Legislative Assembly, as the party may

choose. In the case at hand, it is not in dispute that the petitioner/political party has contested in two earlier general elections with a common symbol for its candidates.

6. As per Explanation (ii) to Para 10B(B) of the Election Symbols (Reservation and Allotment) Order, 1968, a party that has availed of the aforesaid concession on two occasions shall be eligible for the concession in any subsequent general election subject to the condition that on the previous occasion when the party availed of the facility, the votes polled by all the contesting candidates set up by the party at the general election in the State concerned was not less than one percent of the total valid votes polled in that State. In the instant case, the petitioner/political party, admittedly, secured less than 1% of votes in the last two general elections.

7. The petitioner having not fulfilled the requirement contemplated under Para 10B of the Election Symbols (Reservation and Allotment) Order, 1968 has no right to seek a direction from this court to allot a common symbol.

8. For the foregoing reasons, the writ petition, being devoid of merits, is dismissed. There shall be no order as to costs. Consequently, interim application stands closed.

We make it clear that this order shall not preclude the candidates belonging to the petitioner/political party from applying to the Returning Officer under Para 12 of the Election Symbols (Reservation and Allotment) Order, 1968 seeking a free symbol.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
24.03.2026

Index : Yes
Neutral Citation : Yes
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To:

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