

2025 LiveLaw (SC) 796

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

B.R.GAVAI; CJI., K. VINOD CHANDRAN; J., N.V. ANJARIA; J.

AUGUST, 06 2025.

CIVIL APPEAL NO. 10259 OF 2025 [Arising out of SLP (Civil) No. 21487 of 2025]

DRAVIDA MUNNETRA KAZHAGAM versus THIRU. C. VE. SHANMUGAM

Constitution of India, 1950 - Article 226 – Public Interest Litigation (PIL) - Misuse of Public Funds - Naming of government schemes after political leaders - Supreme Court deprecated the practice of using courts to settle political scores between rival political parties, stating that political battles should be fought before the electorate - Held that writ petition challenging a government welfare scheme named “ungaludan Stalin” was misconceived in law and an abuse of the process of law - Petitioner rushed to High Court within 3 days of making the representation to the ECI, without giving the ECI an opportunity to decide on the matter - Previous judgments in Common Cause I, II, III, and IV dealt with the use of photographs of political leaders and heads of executive in public-funded advertisements, they do not prohibit a scheme from being names after a political leader - Supreme Court dismissed writ petition with costs of Rs. 10 lakhs to be deposited with the State for implementation of welfare schemes for the underprivileged - Appeals allowed.
[Relied on Common Cause v. Union of India 92014) 6 SCC 552; Common Cause v. Union of India (2015) 7 SCC 1; State of Kranataka v. Common Cause (2016) 13 SCC 639; Centre for Public Interest Litigation v. Kewal Kumar Sharma & Ors. (2017) 16 SCC 715; Paras 17-25]

with CIVIL APPEAL NO. 10260 OF 2025 [Arising out of SLP (Civil) No. 21995 of 2025]

[Arising out of impugned final judgment and order dated 31-07-2025 in WMP No. 30663/2025 passed by the High Court of Judicature at Madras]

For Petitioner(s): Mr. Mukul Rohatgi, Sr. Adv. Mr. P. Wilson, Sr. Adv. Mr. A. Mariarputham, Sr. Adv. Mr. Richardson Wilson, Adv. Mr. Apoorv Malhotra, Adv. Mr. Lokesh Krishna, Adv. Mr. Aditya Ojha, Adv. Mr. Ankit Sharma, Adv. Mr. Saran Raghunandan, Adv. Mr. Aravind, Adv. Ms. Anuradha Arputham, AOR Ms. Misha Rohatgi Mohta, Adv. Mr. P.S. Raman, Adv. Gen. (State of T.N.) Dr. A.M. Singhvi, Sr. Adv. Mr. T. Harish Kumar, AOR Ms. Priyansha Sharma, Adv. 1 Mr. Shubham Kothari, Adv. Mr. Deepak Jain, Adv. Mr. Shubham P. Chopra, Adv.

For Respondent(s): R-1 Mr. Maninder Singh, Sr. Adv. Mr. K Gowtham Kumar, Adv. Mr. Subornadeep Bhattacharjee, Adv. Mr. Inbadurai, Adv. Mr. V Prabhu, Adv. Mr. Balaji Srinivasan, AOR R-4 Mr. P.S. Raman, Adv. Gen. (State of T.N.) Mr. T. Harish Kumar, AOR Ms. Priyansha Sharma, Adv. Mr. Shubham Kothari, Adv. Mr. Deepak Jain, Adv. Mr. Shubham P. Chopra, Adv.

J U D G M E N T

B.R. GAVAI, CJI

1. Leave granted.
2. In the peculiar facts and circumstances of the case, we withdraw the Writ Petition No.27277 of 2025 pending before the High Court of Judicature at Madras (hereinafter referred to as “High Court”) and take up the same also for hearing along with the present appeals.
3. This batch of matters challenge the order passed by the Division Bench of the High Court dated 31st July, 2025 in WMP No. 30663 of 2025 in Writ Petition No. 27277 of 2025, by which the learned Judges of the Division Bench have passed an interim order to the effect that while launching and operating Government Welfare Schemes through various

advertisements, the names of any living personality, photograph of any former Chief Minister/ideological leaders or party insignia/emblem/flag of appellant (Dravida Munnetra Kazhagam) shall not be included. The Division Bench of the High Court was gracious enough to add that it has not passed any order against launching, implementation or operation of any welfare scheme of the Government.

4. Since we have withdrawn the Writ Petition pending before the High Court and we are hearing the Writ Petition itself, we propose to refer to the facts as stated in the Writ Petition No. 27277 of 2025.

5. The Writ Petition has been filed by the respondent no.1 herein, who is a sitting Member of Parliament, belonging to a political party which is in opposition in the State of Tamil Nadu. The State of Tamil Nadu *vide* the Notification G.O. (Ms) No.390 Public (Mudhalvarin Mugavari) Department (hereinafter referred to as “said G.O.”), dated 19th June, 2025, has promulgated a scheme known as “Ungaludan Stalin”, which as per the English translation means “Your’s Stalin”. By the said scheme, what has been provided is that though various schemes have been notified by the State Government, the citizens encounter challenge in availing of the said schemes due to lack of knowledge, information on eligibility and procedures to be followed, difficulty in understanding the procedural aspects like uploading required documents, challenges in use of technology amongst others leading to multiple applications and delays in service offered online.

6. The said G.O. further states that the Chief Minister taking into account the difficulties faced by the common people, announced in the floor of Legislative Assembly on 25th April, 2025, that 9,000 camps will be conducted across the State to reach out to every family and deliver eligible scheme benefits and services to the citizens in a time bound manner. It further states that the Chief Minister also announced that during these camps, applications will be received from the eligible left-out women for Kalaingar Mahalir Urimal Thittam (KMUT Scheme). The said G.O. further states that based on these announcements, the Chief Minister’s office has prepared proposal for implementation of the “Ungaludan Stalin” Scheme. It states that under the said scheme, 10,000 camps will be conducted across the State, to deliver the most sought-after services and schemes through localized camps to reach out to the people even in remote corner of the State. Under the said scheme, it is stated that every household will be visited by a volunteer, who will inform the family about the objective and details of the camp, handover the application and pamphlet containing the list of schemes/services, explain the eligibility conditions and documents required to avail those services.

7. The scheme further provides that the volunteers, who handover the pamphlet of the scheme will also inform, that the women who are eligible for KMUT Scheme, but have been left out in the earlier phase, can attend the Ungaludan Stalin Camps, register and submit applications in the KMUT Scheme. Subsequently, all the KMUT applications received on the day will be registered on the KMUT Mobile App by Illam Thedi Kalvi (ITK) volunteers. The details regarding the distribution of applications and pamphlets to all households, inauguration of camps in all districts and conducting of camps have been given in the said G.O. The said G.O. also provides for door to door campaign, selection, appointment and training of volunteers.

8. Being aggrieved by the said G.O., a representation/complaint dated 18th July, 2025, came to be filed by the writ petitioner before the Election Commission of India (hereinafter referred to as “ECI”) under Clause 16A of the Election Symbols (Reservation and Allotment) Order, 1968. It is pleaded in the petition that three days after the said representation was made to the ECI, a writ petition came to be filed before the High Court

stating therein that though a detailed representation dated 18th July, 2025 was sent to the ECI, and since the complaint has to be acted upon with promptitude by the authorities, and in the light of respondent's failure to act on the representation and continuing violation of legal rights and constitutional principles, the writ petitioner was left with no other choice than to approach the High Court in a petition under Article 226 of the Constitution of India for appropriate reliefs.

9. From the order impugned herein, it appears that the learned Advocate General had made a submission that the writ petition has been filed without clear pleadings and on the basis of some print outs, which, on instructions, was stated are not a Government publication at all. The learned Advocate General also submitted that neither any pictorial representation/ photograph of ideological leaders or former Chief Ministers has been imprinted, nor the political party's insignia/flag/emblem/ logo has been used. He had also made a submission that the allegations are entirely based on unauthentic documents and without any basis. He, therefore, sought time to file an affidavit so as to place correct facts on the record. However, the Division Bench of the High Court without giving any further time passed the impugned order as aforesaid. Being aggrieved thereby, two special leave petitions have been filed, one by the political party - Dravida Munnetra Kazhagam (DMK) and the other by the State of Tamil Nadu.

10. We have heard Shri Mukul Rohatgi, Shri P. Wilson, learned senior counsel appearing on behalf of the appellant, Dr. A.M. Singhvi, learned senior counsel appearing on behalf of the State of Tamil Nadu and Shri P.S. Raman, learned Advocate General for the State of Tamil Nadu. We have also heard Shri Maninder Singh, learned senior counsel appearing on behalf of respondent No. 1.

11. Mr. Mukul Rohatgi, the learned senior counsel appearing on behalf of the DMK party submits that none of the judgments of this Court in **Common Cause vs. Union of India**¹, **Common Cause vs. Union of India**², **State of Karnataka vs. Common Cause and Others**³ and **Centre for Public Interest Litigation vs. Kewal Kumar Sharma and Others**⁴ prohibit a scheme to be named after a political leader. It is stated that, as a matter of fact, the judgments/orders passed by this Court from **Common Cause I to Common Cause IV**, have been diluted and now the photographs of not only the Hon'ble President, the Prime Minister, the Governor, the Chief Ministers are permitted to be printed in the advertisements, but also the photographs of the Cabinet Ministers of the concerned departments. He further submitted that as a matter of fact, no new scheme has been framed, but what was done under the Ungaludan Stalin Scheme was only providing a platform to the citizens in the entire State, wherein the services of the State under the earlier schemes would be made known to the public and made available to them at their door steps. In any case, it is submitted that, there is no prohibition with regard to the publication of a scheme in the name of a political leader.

12. Dr. A.M. Singhvi, the learned senior counsel appearing on behalf of the State of Tamil Nadu relying on an application for placing additional documents on record, relied upon 45 documents wherein various schemes have been notified by various Governments with a prefix of names of political leaders.

¹ (2014) 6 SCC 552, hereinafter referred to as, "Common Cause I"

² (2015) 7 SCC 1, hereinafter referred to as, "Common Cause II"

³ (2016) 13 SCC 639, hereinafter referred to as, "Common Cause III"

⁴ (2017) 16 SCC 715, hereinafter referred to as, "Common Cause IV"

13. Though, Dr. Singhvi has taken us through the list of such schemes, we refrain ourselves from referring to any of the schemes in order to avoid any embarrassment to any political party.

14. Mr. P. Wilson, learned Senior Counsel appearing on behalf of the DMK party supplemented the arguments and relied upon a publication of the ECI dated 07th October, 2016, wherein it has directed that no political party shall henceforth, either use or allow the use of any public funds or public place or Government machinery, for carrying out any activity that would amount to advertisement for the party or propagating the election symbol allotted to the party.

15. We also had the benefit of the assistance of Mr. P.S Raman, learned Advocate General for the State of Tamil Nadu, through video conferencing, who had appeared before the Division Bench of the High Court. He states that without giving an opportunity to the State, the *ad interim* order came to be passed on the very same day.

16. *Per contra*, Mr. Maninder Singh, learned senior counsel appearing on behalf of the respondent no.1 (original writ petitioner), submits that the cumulative effect of all the four judgments in **Common Cause I**, **Common Cause II**, **Common Cause III** and **Common Cause IV** would show that this Court has frowned upon personal glorification of any political leader, it has also frowned upon using of public funds for glorifying a person in office. Learned senior counsel specifically relied upon the paragraph 6 of the **Common Cause II**, wherein detailed guidelines have been framed by this Court. The guidelines were framed by a Committee constituted by this Court under the Chairmanship of Prof.(Dr.) N.R. Madhava Menon, Former Director, National Judicial Academy, Bhopal. He submits that the paragraph 4 of the Guidelines provides that the possibility of any misuse of public funds on advertisement campaigns in order to gain political mileage by the political establishment has to be totally excluded. He further submits that the paragraph 5 of the Guidelines requires that the guidelines must be used by the Government only to inform the citizens about their rights and responsibilities, about government policies, programmes, services or initiatives. He also refers to a guideline in clause (i) of sub-para (3) of paragraph 6 of the guidelines which provides that the advertisement materials should be objective and not directed at promoting political interest of a political party. He also relies on clause (ii) of sub-para (3) of paragraph 6 of the guidelines which provides that the government advertising shall maintain political neutrality and avoid glorification of political personalities and projecting a positive impression of the party in power or a negative impression of parties critical of the Government.

17. The Common Cause cases dealt with the use of photographs of the political leaders and particularly, the heads of the Executive in the advertisements issued through the public funds. In **Common Cause I**, this Court appointed a Committee consisting of three persons, namely, Prof. (Dr.) N.R. Madhava Menon, Former Director, National Judicial Academy, Mr. T.K. Viswanathan, Former Secretary General, Lok Sabha and Mr. Ranjit Kumar, Senior Advocate.

18. In **Common Cause II**, after considering the report of the said Committee, this Court after approving and adopting the recommendations of the Committee, with the exception(s) that are carved out by the judgment, permitted publication of the photographs of the President, Prime Minister, and Chief Justice of India. No doubt that it was left to their own wisdom to make a decision in this regard.

19. In **Common Cause III**, the Court permitted, in addition to the publication of the photographs of the President, Prime Minister, and Chief Justice of India, the Cabinet

Minister and Minister in-charge of the Ministry concerned. This Court also permitted the photograph of the Chief Minister of the State to be published.

20. The launching of schemes in the name of political leaders is a phenomenon which is followed throughout the Country. As already stated hereinabove, Dr. Singhvi, learned senior counsel appearing on behalf of the State of Tamil Nadu has given a list of 45 such schemes, wherein the schemes have been portrayed in the name of the various political leaders. We, however, do not wish to refer to the list of those schemes in order to avoid any embarrassment to any of the political party.

21. When such schemes are floated in the name of leaders of all the political parties, we do not appreciate the anxiety of the writ petitioner to choose only one political party and one political leader. If the writ petitioner was so concerned about the misuse of public funds by the political parties, the writ petitioner would have made a challenge to all such schemes across the Country. However, singling out only one scheme by one political party in the name of one political leader, smacks about the motives of the writ petitioner. Apart from that, the manner in which the petition has been filed, also smacks about the motives of the writ petitioner.

22. A representation/complaint was made before the ECI on 18th of July, 2025. Whether such a representation is tenable or not, itself, is a debatable question. The power under Clause 16A of the Election Symbols (Reservation and Allotment) Order, 1968 is available to the Commission when it deals with suspension or withdrawal of recognition of a recognized political party for its failure to observe Model Code of Conduct or to follow lawful directions and instructions of the Commission. Undisputedly, there is no Model Code of Conduct operating in the State of Tamil Nadu. The moot question, that would arise, therefore, is as to whether such a representation before the ECI was tenable or not. In any case, even without giving an opportunity to the ECI to decide the said representation, the writ petitioner had rushed to the High Court on 21st July, 2025, i.e., within three days of making the representation.

23. After approaching the Court in such a hurried manner, the writ petitioner had the audacity to state in paragraph 20 of the writ petition, thus:

“In light of the respondent’s failure to act on the representation and the continuing violation of legal and constitutional principles, I am left with no choice but to approach this Hon’ble Court for appropriate reliefs. The issues raised in the present Writ Petitions concern larger questions of governance ethics and democratic fairness.”

24. Not giving even a breathing period to the ECI and making such statements with regard to the Commission’s failure to act on the representation within a reasonable period, the writ petitioner, in our view, has also tried to castigate the ECI.

25. Time and again we have observed that the political battles should be fought before the electorate. At the cost of repetition, we observe that the Courts should not be used to settle the political scores between the rival political parties.

26. We are, therefore, of the considered view that the Writ Petition itself was not only misconceived in law, but also totally an abuse of the process of law.

27. Accordingly, while allowing the appeals, by quashing and setting aside the impugned order, we are also inclined to dismiss the Writ Petition with costs.

28. In the result, we pass the following order:

i. The appeals are allowed;

ii. The impugned order dated 31st July, 2025, passed by the High Court of Judicature at Madras is hereby quashed and set aside;

iii. The Writ Petition No. 27277 of 2025 pending before the High Court is withdrawn and transferred to this Court and is dismissed with costs quantified at Rs.10,00,000/- (Rupees Ten Lakh), to be deposited with the State of Tamil Nadu;

iv. The writ petitioner shall deposit the cost within a period of one week from today. On deposit of the said amount, the State shall use it only for the purposes of implementation of any of the welfare schemes floated for the underprivileged in the State; and

v. On failure to deposit the cost within a period of one week, as aforesaid, the writ petitioner would be liable to be proceeded against for having committed the Contempt of this Court.

29. We place on record our appreciation for the valuable assistance provided by Mr. P.S. Raman, learned Advocate General for the State of Tamil Nadu, Mr. Mukul Rohatgi, Dr. A.M. Singhvi, Mr. P. Wilson, learned senior counsels and Mr. Maninder Singh, learned senior counsel ably assisted by Mr. Balaji Srinivasan, learned counsel.

30. All pending Interlocutory Applications stand disposed of.

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