



WEB COPY



W.P.No.32263 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2026

CORAM

THE HONOURABLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P. No.32263 of 2026

AND

W.M.P.Nos.35432, 35434 & 35435 of 2026

P.V. Selvakumar
S/o. P.S. Velayudham
Practicing Advocate
No. 29A, Main Road,
Karimbedu Village and Post,
Pallipattu Taluk, Tiruvallur District - 631 207

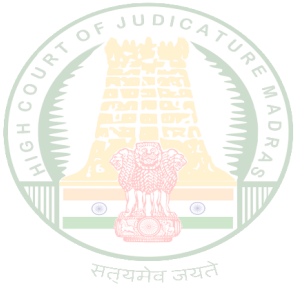
Petitioner(s)

Vs

1.The Speaker
Tamil Nadu Legislative Assembly,
Fort St. George, Chennai - 600 009.

2.The Secretary
Tamil Nadu Legislative Assembly,
Fort St. George, Chennai -600 009.

3.The Chief Election Commissioner
Election Commission of India (ECI)
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.



W.P.No.32263 of 2026

WEB COPY

4.Thiru. Edappadi K. Palaniswami
General Secretary,
All India Anna Dravida Munnetra Kazhagam
(AIADMK),
No. 275, Avvai Shanmugam Salai, Royapettah,
Chennai - 600 014.

5.S.P.Velumani, M.L.A.
Thondamuthur Constituency
7/1C,KrishnaNagar, Kuniyamuthur Post,
Coimbatore-641008.

6.C.Ve.Shanmugam, M.L.A.
Mailam Constituency
1,Bajanai Kovil Street, Avvaiyarkuppam,
Muppuli Post, TindivanamTaluk, Viluppuram
District-604302

7.NathamR.Viswanathan, M.L.A.
Natham Constituency,
2-3,Eaststreet, Vembarpatti, Dindigul-624308

8.K.P.Anbazhagan, M.L.A.
Palacode Constituency
D.No.1/136A, Keragodahalli Village.
KeragodahalliPost, Karimangalam Taluk,
Dharmapuri District- 635111

9.R.Kamaraj, M.L.A.
Nannilam Constituency
33/70 Gopalasamuthiram Vadaku Veethi,
Mannargudi Taluk, Tiruvarur District 614 001

10.K.C.Veeramani, M.L.A.
Jolarpettai Constituency
No.1, Gandhi Road, Idayampatty, Jolarpet,
Tirupathur Taluk
Tirupathur District



W.P.No.32263 of 2026

11.P.Balakrishna Reddy, M.L.A.

Hosur Constituency

D.No.84/3, Tamil Nadu Housing Board,
Bagalur Road, Hosur, Krishnagiri District.

12.A.Arunmozhithevan, M.L.A.

Bhuvanagiri Constituency

176, Main Road, Vathishdapuram,
Thittakudi Taluk. Cuddalore District.

13.Thirthani G.Hari, M.L.A.

Tiruttani Constituency

No.1, Bharathidhasan Street,
Sengundhar Nagar, Tiruttani,
Thiruvallur District-631209

14.Mrs.Maragatham Vetrivel, M.L.A.

Pappireddipatti Constituency

Door No.10, New Tiruppattur Road,
Mathikonpalayam, Dharmapuri Taluk,
Dharmapuri District-636702.

15.S.M.Sukumar, M.L.A.

Arcot Constituency

No.5, IV Cross Street, Anna Avenue, Ranipet

16.R.Rakesh, M.L.A..

Sankarapuram Constituency

3, Sakthipuram, Chinnasalem Town and Taluk,
Kallakurichi - 606201.

17.K.Mohan, M.L.A.

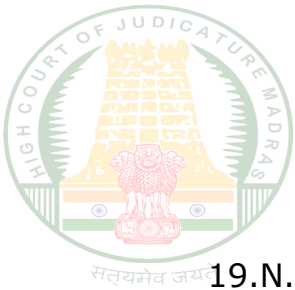
Panruti Constituency

No.55/2, Kamarajar Street, Panruti Town and
Taluk, Cuddalore District- 607106

18.S.Sekar, M.L.A.

Paramathi-Velur Constituency

No.39/1, Muniyagoundampalayam,
Paundamangalam Post, Paramathi Velur Taluk,
Namakkal District-637208



W.P.No.32263 of 2026

19.N.S.N.Nataraj, M.L.A.
Kanagayam Constituency
No.4/114,Neikkaranpalayam,
Alambadi P.O,Kangayam Taluk,
Tiruppur District.

20.P.Haribaskar, M.L.A.
Anthiyur Constituency
No.5/142, Maamallar Street,
Kallipatti Post, Kondayampalayam,
Gobichettipalayam Taluk, Erode-638505

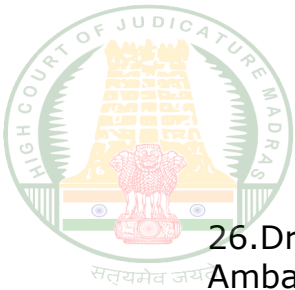
21.K.Ravi Manoharan, M.L.A..
Palani Constituency
Puliyamarathu Set,
Varadhamanathi Dam Post,
Balasamutharam, Palani Taluk,
Dindigul District-624610

22.Dr.M.Leema Rose,M.L.A.
Lalgudi Constituency
No.135/1, Thiruvalluvar Street,
Vellakinar Pirivu, G.N.Mills Post,
Coimbatore-641029.

23.Dr.Thilipan Jaishankar, M.L.A.
Sankarankovil (Reserved Constituency)
No. 5/565, Periyur Road, Kalapakulam,
Sankaran Kovil, Tenkasi District-627756

24.Dr.C.Vijayabaskar, M.L.A.
Viralimalai Constituency
No.14/28, Sowrashtira Street, Illuppur,
Illuppur Taluk, Pudukkottai District-622102

25.M.R.Vijayabaskar, M.L.A.,
Karur Constituency
3125,N.S.K.Nagar, L.N.S.Post,
Aandankovil East, Karur-639002.



W.P.No.32263 of 2026

26.Dr.Esakki Subbaiah (A) E.Subbaiah, M.L.A.
Ambasamudram Constituency
31/70, Utchimahakaliamman Koil Street,
Pirancheri, Gopalamudram,
Cheranmahadevi Taluk, Tirunelveli-627451

27.Mrs.Maragatham Kumaravel, M.L.A.
Madhurantakam (Reserved Constituency),
No.1/241, Eswaran Koil Street, Senganmal,
Thaiyur, Kelampakkam Post, Thiruporur Taluk,
Chengalpattu District-603103

28.J.K. (A) S.Jayakumar, M.L.A.
Perundurai Constituency
No.2/14, Shanmugapuram,
Ponmudi P.O., Perundurai, Erode-638056

29.Mrs.P.Sathiyabama, M.L.A.
Dharapuram (Reserved) Constituency
No.31/6, Anna Nagar, Dharapuram Taluk,
Tiruppur District.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the entire records relating to the proceedings contained in D.O.Letter No.3661/2026-5/TNLAS (Bills-1) dated 09.06.2026 issued by the 2nd respondent under the directions of 1st respondent and the pending disqualification petitions instituted under Paragraph 6 of the Tenth Schedule to the Constitution of India as illegal, arbitrary, unconstitutional, without jurisdiction, violative of Article 14 of the Constitution of India and contrary to the scheme, object and mandate of the Tenth Schedule to the Constitution of India and quash the same,

Page 5 of 18



W.P.No.32263 of 2026

and consequently direct the respondents 1 and 2 to initiate disqualification proceedings as against the respondents 5 to 29, pursuant to the petitioner's representation dated 27.07.2026.

For Petitioner(s): Mr.K.Sakthivel for
Mr.V.C.Selvasekaran

For Respondent(s): Mr.Vijay Narayan
Advocate General
Assisted by Mr.J.Lenin
Special Government Pleader
and
Mr.Akash Srinanda
Government Advocate for R2

ORDER

(Made by G.ARUL MURUGAN, J.)

The writ petition, styled as a Public Interest Litigation, seeks to quash the order passed by the second respondent dated 09.06.2026 on the ground that the same is violative of the mandate contained in the Tenth Schedule to the Constitution of India and for a consequential direction to respondents 1 and 2 to initiate disqualification proceedings against respondents 5 to 29, based on the representation submitted by the petitioner dated 27.07.2026.



W.P.No.32263 of 2026

WEB COPY

2.1. The petitioner, a practising advocate, claims to be a voter of the Tiruttani Assembly Constituency. It is stated that the results of the Tamil Nadu Legislative Assembly General Elections were declared on 04.05.2026 and that the Chief Minister was sworn in on 10.05.2026, and thereafter, a vote of confidence in the Legislative Assembly was scheduled to be held on 13.05.2026.

2.2. It is further stated that serious disputes arose within the All India Anna Dravida Munnetra Kazhagam (AIADMK) legislature party concerning its leadership. As rival factions emerged, one faction, led by the General Secretary of the AIADMK party, issued a directive through the official whip to the Members of the Legislative Assembly (MLAs) to vote against the motion of confidence. On the contrary, another faction, led by the fifth respondent, directed its members to support the motion of confidence.

2.3. It is further stated that during the vote of confidence held on 13.05.2026, 25 MLAs belonging to the AIADMK party voted in favour of the Government, defying the whip and thereby, the General Secretary of the party submitted a petition on 13.5.2026 against the

Page 7 of 18



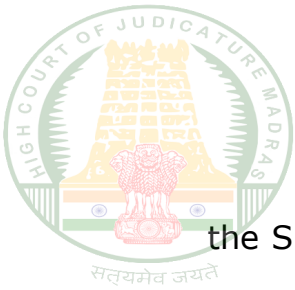
W.P.No.32263 of 2026

25 MLAs to the Speaker, seeking their disqualification under Paragraph 2(1)(a) and 2(1)(b) of the Tenth Schedule to the Constitution of India.

2.4. However, on 27.05.2026, *i.e.*, within 15 days period, the General Secretary of the AIADMK party submitted a letter to the Speaker to drop the disqualification proceedings against 21 MLAs out of the 25 MLAs. Accepting the letter, the Speaker had dropped the disqualification proceedings against the said 21 MLAs through the impugned order dated 09.06.2026, while the disqualification proceedings in respect of other four MLAs remain pending.

2.5. It is further stated that the Speaker ought not to have dropped the disqualification proceedings, as the petition was also submitted under Paragraph 2(1)(a) of the Tenth Schedule to the Constitution of India and the Speaker should have proceeded with the disqualification proceedings on merits. Hence, challenging the impugned order, the petitioner has preferred the present writ petition.

3.1. Learned counsel for the petitioner, placing reliance on the petition submitted by the General Secretary of the AIADMK party to



W.P.No.32263 of 2026

the Speaker on 13.05.2026, submitted that the petition was submitted seeking disqualification, both under Paragraphs 2(1)(a) and 2(1)(b) of the Tenth Schedule to the Constitution of India. He contended that while a political party may condone a member's action of voting against a whip within 15 days, a disqualification incurred under Paragraph 2(1)(a), where a member has voluntarily given up his membership of such party, cannot be condoned. Therefore, the Speaker ought to have proceeded with the disqualification proceedings independently.

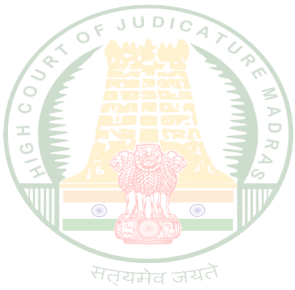
3.2. Learned counsel further submitted that once a petition seeking disqualification is submitted under Paragraph 2(1)(a), the Speaker is bound to independently assess the petition and take a decision on the disqualification incurred by the Member. By dropping the disqualification proceedings, the Speaker has failed to discharge the constitutional mandate and, therefore, the impugned order suffers from the vice of arbitrariness and unconstitutionality. He also contended that the petitioner, being a practising advocate and a voter, has the *locus* to maintain the writ petition challenging the impugned order.



W.P.No.32263 of 2026

4.1. Contending contra, Mr.Vijay Narayan, learned Advocate General submitted that the petition for disqualification both under Paragraphs 2(1)(a) and 2(1)(b) was submitted by the General Secretary of the AIADMK party, as the 25 members had defied the whip by voting in favour of the motion during the vote of confidence. However, since the political party to which the members belong, could condone such voting by the members within 15 days from the date of voting as contemplated under Paragraph 2(1)(b), the General Secretary of the AIADMK party had submitted a letter to the Speaker on 27.05.2026, condoning their action. Consequently, the question of disqualification does not arise and the Speaker had rightly dropped the disqualification proceedings.

4.2. Learned Advocate General further submitted that when the act of the 21 members had been condoned by the party, they continued to be members of that party in the Legislative Assembly. Consequently, disqualification under Paragraph 2(1)(a) does not arise, as it was only incidental to the act of defying the whip during the vote on 13.05.2026, which was subsequently condoned.



W.P.No.32263 of 2026

4.3. Questioning the *locus* of the petitioner, learned Advocate General submitted that when the political party to which the members belong has condoned their actions and they continue to be members of that party, it is not for the petitioner, being a third party, to meddle with the internal affairs of the party.

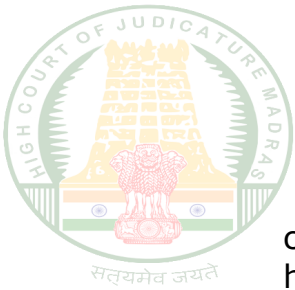
5. We heard the rival submissions and considered the materials available on record.

6. The procedure for disqualification of a member of the House of Parliament or a Legislative Assembly due to defection is contained in the Tenth Schedule to the Constitution of India. Paragraph 2 to the Tenth Schedule, deals with the disqualification on the grounds of defection, which reads as follows:

"2.Disqualification on ground of defection -

(1) Subject to the provisions of paragraphs 4 and 5, a member of a House belonging to any political party shall be disqualified for being a member of the House—

- (a) if he has voluntarily given up his membership of such political party; or
- (b) if he votes or abstains from voting in such House



WEB COPY



W.P.No.32263 of 2026

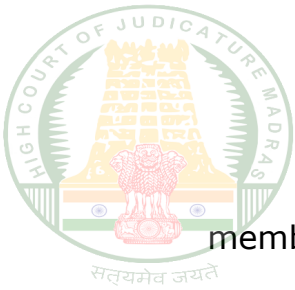
contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.”

... ..

7. The disqualification under Paragraph 2(1)(a) arises if a member has voluntarily given up his membership of the political party by which he was elected, which could be primarily by way of resignation or by also the conduct of the member. The disqualification under Paragraph 2(1)(b) arises when a member votes or abstains contrary to any direction issued by the political party to which he belongs. However, if such voting or abstention is condoned by the political party within 15 days therefrom, then the disqualification under Paragraph 2(1)(b) does not arise.

8. In the instant case, pursuant to the declaration of the results of the Tamil Nadu Legislative Assembly General Elections and the formation of the Government, the vote of confidence was slated to be held in the Assembly on 13.05.2026. The General Secretary of the AIADMK party, through the appointed whip, issued a directive to the

Page 12 of 18



W.P.No.32263 of 2026

members belonging to that political party to participate and vote against the motion of confidence. Out of the 47 MLAs belonging to AIADMK party, 25 members have defied the whip and had voted in favour of the vote of confidence.

9. The General Secretary of the party submitted a petition under Paragraphs 2(1)(a) and 2(1)(b) of the Tenth Schedule to the Constitution of India, seeking the disqualification of the 25 members who had voted in defiance of the party's whip. While the disqualification petition was pending, the General Secretary of the AIADMK party, by a subsequent letter dated 27.5.2026 submitted to the Speaker, condoned the action of the 21 members in voting against the whip and sought to drop the disqualification proceedings.

10. The Speaker had accepted the letter dated 27.05.2026 submitted by the General Secretary of the AIADMK party and dropped the disqualification proceedings in respect of 21 members, which was intimated by the impugned communication of the second respondent, while disqualification proceedings against the other four members remain pending. It is the vehement contention of the learned counsel

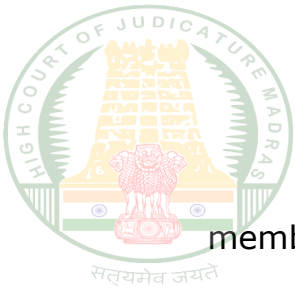


W.P.No.32263 of 2026

for the petitioner that even though the General Secretary of the party submitted a letter condoning the action of the members, the petition for disqualification under Paragraph 2(1)(a) survives and must be independently proceeded with by the Speaker.

11. We outrightly reject such a contention, as the same is totally misplaced. The entire disqualification proceedings arose pursuant to the petition dated 13.05.2026 submitted by the General Secretary of the AIADMK party, on the ground that 25 members had voted defying the whip issued. As per Paragraph 2(1)(b), such voting or abstention of a member can be condoned within a period of fifteen days by the political party to which they belong. Since it is admitted that the General Secretary of the AIADMK political party submitted a letter dated 27.05.2026 to the Speaker condoning the act of such voting by 21 members, no disqualification arises under Paragraph 2(1)(b).

12. It is true that in the disqualification petition dated 13.05.2026, relief was sought both under Paragraphs 2(1)(a) and 2(1)(b). The petition stated that since the members have voted in defiance of the whip, it amounts to voluntarily giving up their



W.P.No.32263 of 2026

membership, which could be inferred from the conduct that does not require a formal resignation. However, when the entire issue seeking disqualification of the members arose when they voted in defiance of the whip on 13.05.2026, but since the political party had subsequently condoned such voting by the 21 members, the contention that disqualification by conduct under Paragraph 2(1)(a) would survive against those members is totally baseless and misplaced.

13. Since the political party condoned the act of the members and the members thereafter continued to represent the AIADMK political party, the disqualification sought under Paragraph 2(1)(a) by their conduct does not survive. Moreover, as the petitioner is entirely a third party who is in no way connected with the affairs of the AIADMK political party, he lacks the *locus* to interfere with the internal affairs of the political party or to seek the disqualification of its members.

14. The moment the General Secretary of the political party submitted a letter dated 25.07.2026 to the speaker condoning the act of the 21 members, the question of their disqualification either under Paragraph 2(1)(a) or 2(1)(b) does not arise and the Speaker rightly



W.P.No.32263 of 2026

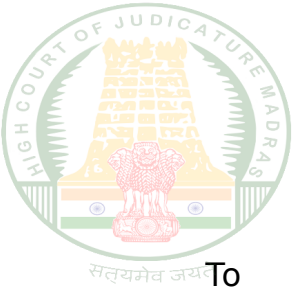
dropped the disqualification proceedings, as per the impugned order.

WEB COPY

15. In view of the above deliberations, there is no merit in the writ petition. Accordingly, the writ petition stands dismissed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN, J)
18.08.2026

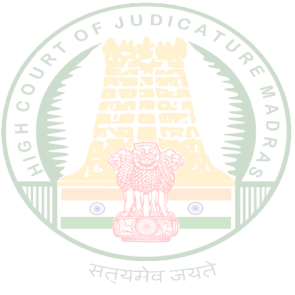
Index : Yes/No
Neutral Citation : Yes/No
gya



W.P.No.32263 of 2026

WEB COPY

- To
- 1.The Speaker
Tamil Nadu Legislative Assembly,
Fort St. George, Chennai - 600 009.
 - 2.The Secretary
Tamil Nadu Legislative Assembly,
Fort St. George, Chennai -600 009.
 - 3.The Chief Election Commissioner
Election Commission of India (ECI)
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.



WEB COPY



W.P.No.32263 of 2026

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

gya

W.P. No.32263 of 2026

18.08.2026

Page 18 of 18