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WMP No.30663 of 2025
in WP No.27277 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2025

CORAM

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

WMP No.30663 of 2025
in WP No.27277 of 2025

C.Ve.Shanmugam B.A., B.L.,
Member of Parliament,
S/o Late Venugopal
having address at
No 1, Mottian Street,
Tindivanam - 604 001.

Petitioner(s)

Vs

The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001
and 3 others

Respondent(s)

For Petitioner(s):

Mr.Vijay Narayan, Senior Counsel
for Mr.K.Gowthamkumar



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For Respondent(s):

Mr.Niranjan Rajagopalan
for M/s.G.R.Associates
for R1

Mr.P.S.Raman, Advocate General
Assisted by Mr.A.Edwin Prabakar
State Government Pleader,
Mr.K.Karthik Jagannath
Government Advocate,
and Mr.M.Habeen Rahman
Government Advocate
for R3

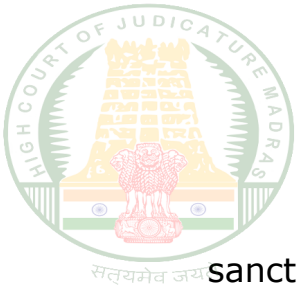
Mr.P.Wilson, Senior Counsel
for Mr.Richardson Wilson
For R4

ORDER

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

Shri Vijay Narayan, learned Senior Counsel for petitioner prays
for interim injunction restraining respondent No.3 from introducing/
re-branding any scheme in the name of any living personality
pending final disposal of the writ petition.

2. Shri Vijay Narayan, learned Senior Counsel, would submit
that this petition had to be filed in public interest as the State, while



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sanctioning public outreach scheme, which is implemented using public fund, is not only using the name of the incumbent Chief Minister in the nomenclature of the scheme, but also using pictorial representations/photographs of certain ideological leaders and former Chief Minister, who belonged to the present ruling party, i.e., the fourth respondent. Mentioning the name of the incumbent Chief Minister in the nomenclature of the scheme and all such pictorial representations is in violation of various judicial pronouncements of the Hon'ble Supreme Court as also violative of Government Advertisement (Content Regulation) Guidelines, 2014 framed by the second respondent.

3. It is further submitted that even the party logo/emblem is being printed in the outreach programmes launching beneficial schemes of the government. The petitioner has come to know that respondent No.3 is proceeding to launch another scheme containing similar legally impermissible pictorial representations, names, logos, emblems and, therefore, appropriate interim order may be passed restraining respondent No.3 from floating such publications.



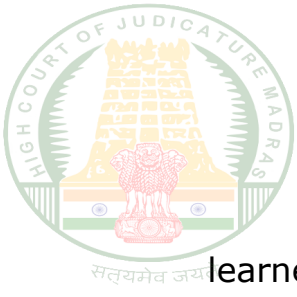
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4. Per contra, Shri Raman, learned Advocate General, would submit that the petition has been filed without clear pleading and on the basis of some printouts, which, upon instructions, he states are not government publications at all.

5. While praying for short time to place on record, by way of an affidavit, the correct copy of publications/pamphlets which have actually been prepared under the State authority for being circulated to publicize the beneficiary schemes, learned Advocate General submitted that neither any pictorial representation/photograph of ideological leaders or former Chief Minister has been imprinted, nor the political party's insignia/flag/emblem/logo is being used. He would submit that the allegations are entirely based on unauthentic documents and without any basis. This, he would be clarifying, by placing on record, appropriate affidavit along with correct document.

6. As far as the prayer for grant of interim relief is concerned,



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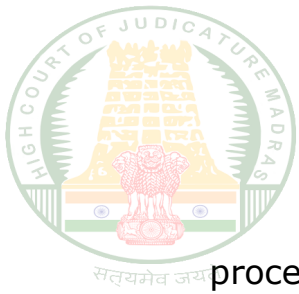
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learned Advocate General would submit that the apprehension of the petitioner is ill-founded and without any basis.

7. Shri Wilson, learned counsel appearing for respondent No.4, would submit that present is a politically motivated petition, as the petitioner himself is a Member of Parliament belonging to the opposition in the State and only in order to malign the image of popular leaders of the present ruling party, petition has been filed and petitioner is not entitled to any interim relief.

8. Shri Niranjana Rajagopalan, learned counsel appearing for the Election Commission of India, would submit that any party while floating any government scheme is obliged under the law to strictly comply with the guidelines framed by the Supreme Court of India and the directives issued by the Election Commission of India from time to time, including one such direction dated 7.10.2016.

9. On *prima facie* considerations, we find that the prayer for interim relief has been made on the apprehension that the State is



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proceeding to launch many welfare schemes on the same line as the advertisement under challenge in this petition.

10. The Hon'ble Supreme Court has issued successive directives from time to time regulating the content of government advertisements in the cases of (i) *Common Cause v. Union of India*, (2014) 6 SCC 552; (ii) *Common Cause v. Union of India*, (2015) 7 SCC 1; (iii) *Centre for Public Interest Litigation v. Kewal Kumar Sharma and others*, (2017) 16 SCC 715.

11. In a clarificatory order passed in a review, the Hon'ble Supreme Court in the case of *State of Karnataka v. Common Cause and others*, (2016) 13 SCC 639, permitted certain exceptions to the directives issued in the case of *Common Cause v. Union of India*, (2015) 7 SCC 1. As per the said order, publication of the photograph of the incumbent Chief Minister is permissible. The use of photographs of ideological leaders or former Chief Minister, *prima facie*, would be against the directives of the Supreme Court.



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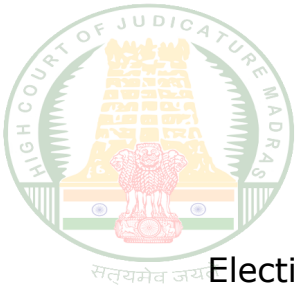
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12. Further, it would not be permissible to mention the name of the living political personality in the nomenclature of the government scheme. Moreover, using the name of any ruling political party, its insignia/logo/emblem/flag also appears to be *prima facie* against the directives of the Supreme Court and the Election Commission of India.

13. Therefore, we are inclined to pass an interim order to the effect that while launching and operating government welfare schemes through various advertisements, the name of any living personality, photograph of any former Chief Minister/ideological leaders or party insignia/emblem/flag of respondent No.4 shall not be included.

14. We may hasten to add that we have not passed any order against launching, implementation or operation of any welfare scheme of the government.

15. Pendency of this petition shall not come in the way of the



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Election Commission of India or the authorities in initiating any proceeding on the basis of the complaint made by the petitioner.

List the interim application along with the writ petition on 13.8.2025.

(MANINDRA MOHAN SHRIVASTAVA,CJ) (SUNDER MOHAN,J)
31.07.2025

sasi

To:

1. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.
2. The Committee on Content Regulation
in Government Advertising,
Fourth Floor, Soochna Bhawan,
C.G.O. Complex, Lodi Road,
New Delhi - 110003
3. The Principal Secretary to Government
State of Tamil Nadu
Public Department,
Secretariat, Fort St George,
Chennai - 600 009.