



\$~7

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Date of decision: 25th February, 2026

+

W.P.(C) 7099/2024 with CM APPL. 54054/2025

M G DAWOOD MIAKHAN

.....Petitioner

Through: Mr. Sanjoy Ghose, Senior Advocate
with Mr. Rahul Shyam Bhandari,
Mr. G. Priyadarshni, Mr. Satyam
Pathak, Ms. Jasleen Kaur and
Mr. Mohit Garg, Advocates

versus

ELECTION COMMISSION OF INDIA & ANR.Respondents

Through: Mr. Sanjay Vashishtha, Standing
Counsel for ECI/R-1
Mr. Haris Beeran, Mr. Sayid Marzook
Bafaki, Mr. Azhar Assees, Mr. Anand
B. Menon, Mr. Ranjay N., and Mr.
Rizwana R. Raj, Advocates for R-2

CORAM:**HON'BLE MR. JUSTICE AMIT BANSAL****AMIT BANSAL, J. (Oral)**

1. The present writ petition has been filed seeking setting aside of the impugned order dated 20th April, 2024 passed by respondent no.1/Election Commission of India ('ECI') on the petitioner's representation dated 29th January, 2024. A further direction is sought directing ECI to derecognise the merger of Muslim League Kerala State Committee ('MLKSC') with Indian Union Muslim League ('IUML') which has been approved/ratified by impugned order dated 3rd March, 2012 and/or set aside the order dated 3rd



March, 2012 passed by respondent no.1/ECI.

2. Mr. Sanjoy Ghose, senior counsel for the petitioner, presses for setting aside of the order dated 20th April, 2024 and remanding the matter to ECI for a fresh consideration of the petitioner's representation.

3. Briefly stated, the case set up by the petitioner is that IUML was founded in the year 1948 and the same was registered as a political party. In the year 1989, the Kerala unit of IUML got separated and registered itself as a political party by the name of Muslim League Kerala State Committee (MLKSC).

4. In the year 2004, the petitioner was wrongfully expelled from IUML. The said expulsion was challenged by the petitioner by filing a Civil Suit before High Court of Madras, being CS No.284/2006.

4.1 The aforesaid suit is still pending before Civil Court, Chennai.

5. A resolution was passed by the members of the IUML, respondent no.2 in the National Executive Meeting dated 26th November, 2011 with respect to merger of MLKSC with IUML. The said merger was approved by the Election Commission of India *vide* order dated 3rd March, 2012.

6. Aggrieved by the aforesaid merger, the petitioner raised an issue with the ECI in the year 2012. The aforesaid merger was challenged by one A.S. Fathima Muzaffer by filing a writ petition being W.P.(C) 1624/2012 before this Court. *Vide* order dated 13th July, 2012, it was observed by this Court that the merger of IUML with MLKSC will be subject to the final outcome of the writ petition.

7. The petitioner made a representation against the merger with the Election Commission of India on 13th October, 2014. In response thereto, a communication was sent by Election Commission of India on 28th



December, 2015 stating that the issue raised by the petitioner is already pending adjudication in W.P.(C) 1624/2012, filed by Ms. A.S. Fathima Muzaffer.

8. On 27th September, 2021, the aforesaid writ petition was withdrawn by the petitioner therein.

9. Upon coming to know of the withdrawal of the said writ petition, the petitioner on 23rd February, 2022 sent a legal notice to the Election Commission of India raising objections with regard to the merger of IUML and MLKSC.

10. Since the petitioner did not receive any response from the Election Commission of India, the petitioner filed a writ petition bearing W.P.(C) 6313/2024 before this Court, challenging the merger order dated 3rd March, 2012 passed by the Election Commission of India.

11. The aforesaid writ petition was disposed of by this Court *vide* order dated 6th May, 2024, taking into account that the Election Commission of India has rejected the representation of the petitioner *vide* order dated 20th April, 2024.

12. Accordingly, liberty was given to the petitioner to file a fresh writ petition challenging the said rejection.

13. Accordingly, the present writ petition has been filed.

14. A perusal of the amalgamation order passed by the Election Commission of India on 3rd March, 2012, records that the petitioner had objected to the merger. However, it was noted that since the petitioner was not a member of the said party, he had no *locus standi* to question the merger. Paragraph 7 of the said order is reproduced as under:-



7. The Commission has considered the applications and all supporting documents submitted by the two parties. From the documents brought on record, it is clear that the decision of merger of MLKSC with the IUML has the approval of all sections of the parties. There were some communications received from two individuals, viz. Sh. Dawood Miakhan and Prof. Basir Ahmed Khan opposing the merger. It was, however, seen that neither of them were members of the above party and thus had no locus standi to raise matters relating to the IUML. They have already been informed accordingly.

15. In the impugned order passed on 20th April, 2024, the representation of the petitioner has been rejected on the ground that the petitioner had no *locus standi* in the matter.

16. Mr. Sanjoy Ghose submits that the impugned order had wrongfully rejected the representation of the petitioner. He submits that the petitioner was a former member of the party who was wrongfully expelled. In this regard, he has drawn attention of this Court to paragraph 2 of the writ petition, which is set out below:-

2. That the Petitioner was an active member of Indian Union Muslim League and earlier served as State Secretary of IUML. The Petitioner also served as President of Tamil Nadu Unit of Indian Union Muslim League i.e. TNSIUML which is State Unit of IUML. The Petitioner is grandson of founder of Indian Union Muslim League and he was intricately involved with day to day affairs of IUML.

17. Mr. Ghose also places reliance on paragraph 16 of the Election Symbols (Reservation and Allotment) Order, 1968 ('Election Symbols Order') in support of his contention that any person who desires to be heard



would have the *locus* to question the merger.

18. *Per contra*, Mr. Sanjay Vashishtha and Mr. Haris Beeran appearing on behalf of respondents, contend that it has been correctly observed in the impugned order that the petitioner did not have the *locus* to question the merger between IUML and MLKSC. It is submitted that paragraph 16 of the Election Symbols Order would have to be read in a manner that only persons who are members of the two parties or are connected with them would have the *locus* to challenge the same. Any other interpretation would open the flood gates for anyone to challenge such orders.

19. At this stage, reference may be made to paragraph 16, which is set out below:

16. Power of Commission in case of amalgamation of two or more political parties—

- (1) When two or more political parties, one or some or all of whom is a recognised political party or are recognised political parties join together to form a new political party, the Commission may, after taking into account all the facts and circumstances of the case, hearing such representatives of the newly formed party and other persons as desire to be heard and having regard to the provisions of this Order, decide-
 - (a) whether such newly formed party should be a National party or a State Party; and
 - (b) the symbol to be allotted to it.
- (2) The decision of the Commission under sub-paragraph (1) shall be binding on the newly formed political party and all the component units thereof.

20. Having carefully perused paragraph 16 of the Election Symbols Order, I would tend to agree with the submissions put forth by the respondents. The words “*any other persons as desire to be heard*” cannot be seen in isolation. They would have to be interpreted by applying principles of *ejusdem generis* i.e. general words following specific ones are confined in meaning to the same class as the specific words. [Ref.: *Maharashtra University of Health Sciences v. Satchikitsa Prasarak Mandal*, (2010) 3 SCC 786]



Accordingly, “*and other persons as desire to be heard*” would only include representatives of the newly formed party or any other representatives/members of the two merging parties. A wider interpretation would result in any busybody who is not involved with the two parties, approaching the ECI and wanting to be heard.

21. In the present case, it is an admitted position that the petitioner has been expelled as a member of respondent no.2/IUML as far back in 2004. The petitioner had challenged the aforesaid expulsion. However, the suit filed by the petitioner is still pending with no interim order allowing the petitioner to take part in the functioning of IUML. In fact, the interim order passed in the said suit categorically states that the petitioner is restrained from claiming to be in the State Unit of IUML and from using the IUML’s name.

22. In view of the discussion above, the petitioner would not have the *locus* to object to the merger in terms of paragraph 16 of the Election Symbols Order. Therefore, I find no infirmity in the order passed by the Election Commission of India on 20th April, 2024.

23. Accordingly, the petition is dismissed.

24. Since this Court is dismissing the writ petition upholding the order passed by Election Commission of India dated 20th April, 2024, which has rejected the petitioner’s representation on the basis of *locus*, this Court has not examined the merits of the merger order.

AMIT BANSAL, J

FEBRUARY 25, 2026
ds