

W.P(MD)No.19826 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 21.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P(MD)No.19826 of 2025

Rajkumar

... Petitioner

vs.

- 1.State of Tamil Nadu,
Represented by its Home Secretary,
Government of Tamil Nadu,
St.George Fort, Chennai - 600 009.
- 2.Union of India,
Represented by the Secretary, Ministry of
Electronics and Information Technology,
Electronics Niketan, 6, CGO Complex,
Lodhi Road, New Delhi - 110 003.
- 3.The Chief Executive Officer,
Unique Identification Authority of India (UIDAI),
Bangla Sahib Road, Behind Kali Mandir,
Gole Market,
New Delhi - 110 001.
- 4.The District Collector,
Sivagangai District, Sivagangai - 06.
- 5.The Dravida Munnetra Kazhagam,
Represented by its General Secretary,



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Anna Arivalayam,
No.367/ 369, Anna Salai,
Teynampet, Chennai - 600 018.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus:

(a) Declaring the collection and use of Aadhaar card details of the public by respondent no.5 and its functionaries for political propaganda as unconstitutional and a violation of the fundamental right to privacy under Article 21 of the Constitution of India.

(b) Directing respondent No.5 and its functionaries to immediately cease and desist from collecting Aadhaar card details from the public for any purpose.

(c) Directing respondent no.5 and its functionaries to immediately destroy all Aadhaar data and associated personal information already collected.

(d) Directing respondent No.3 (UIDAI) and respondent No.2 (Union of India) to initiate a thorough investigation into the alleged unauthorized collection of Aadhaar data by respondent No.5 and its functionaries and to take appropriate legal action against the 5th respondent.

For Petitioner	: Mr.K.Mahendran
For RR 1 & 4	: Mr.P.Thilak Kumar Government Pleader
For RR 2 & 3	: Mr.K.Govindarajan Deputy Solicitor General of India



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ORDER

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(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The issue raised in the current Writ Petition is pertaining to a campaign, namely, “Oraniyil Tamil Nadu (ஓரணியில் தமிழ்நாடு)”, which is a mass membership drive organized across the State of Tamil Nadu by the Dravida Munnetra Kazhagam/ the fifth respondent, a recognized political party.

2.In this door-to-door membership drive, personal information, including mobile numbers, are obtained and OTP verification messages are sent to these mobile numbers. There is a concern of data breach of these individuals. Data protection of the individuals is an essential element of Article 21.

3.In the absence of accountability and transparency in the data collected from individuals across the State of Tamil Nadu for the “Oraniyil Tamil Nadu” conducted by door-to-door membership drive conducted is an issue which needs elaborate analysis. This data could potentially be used by third party Companies, who are managing the data for the political parties and serious concerns on privacy is at forefront in this current Public Interest Litigation.



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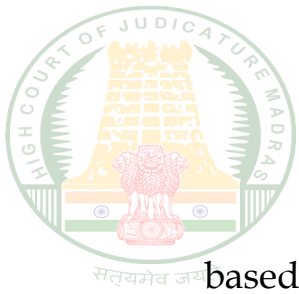
4.It is not made clear what are all the infrastructures made available for collection and protection of individual datas in this membership drive.

5.Data protection and voter data privacy are the essential facets of Article 21 of the Constitution of India and falls within the ambit of right to privacy. Also, the Constitution Bench of the Hon'ble Supreme Court of India in the case of Association for Democratic Reforms and others vs. Union of India (UOI) and others, reported in 2024 INSC 113, kkheld as follows:

“134.the expression of political beliefs is guaranteed under Article 19(1)(a). Forming political beliefs and opinion is the first stage of political expression. The freedom of political expression cannot be exercised freely in the absence of privacy of political affiliation. Information about a person's political beliefs can be used by the State at a political level, to suppress dissent, and at a personal level, to discriminate by denying employment or subjecting them to trolls. The lack of privacy of political affiliation would also disproportionately affect those whose political views do not match the views of the mainstream.

135.....

136.Information about a person's political affiliation can be used to dis-enfranchise voters through voter surveillance. Voter databases which are developed through surveillance identify voting patterns of the electors and attempt to interfere with their opinions



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based on the information. For example, the data of online purchase histories such as the books purchased (which would indicate the ideological leaning of the individual), clothing brands used (which would indicate the social class to which the individual belongs) or the news consumed or the newspapers subscribed (which would indicate the political leanings or ideologies) can be used to draw on the relative political affiliation of people. This information about the political affiliation of individuals can then be used to influence their votes. Voter surveillance gains particular significance when fewer people have attachments to political parties.

137.At a systemic level, information secured through voter surveillance could be used to invalidate the foundation of the electoral system. Information about political affiliation could be used to engage in gerry-mandering, the practice by which constituencies are delimited based on the electoral preference of the voters.

138.Informational privacy to political affiliation is necessary to protect the freedom of political affiliation and exercise of electoral franchise. Thus, it follows from the judgment of this Court Justice KS Puttaswamy (9J) (supra) and the observations above that the Constitution guarantees the right to informational privacy of political affiliation.”

6.Information about the personal political affiliation can be used to disenfranchise voters through voters surveillance. The digital membership drives

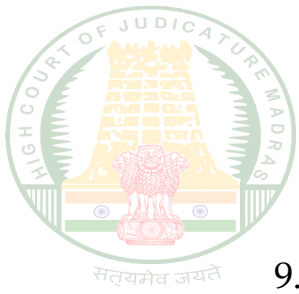


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conducted by the political parties in recent time are a new area of study, whereby there is a clear departure from the conventional modes of inducting party members. Hence, the bearing it has on the data privacy of the individual is a concern that has to be addressed in the present Public Interest Litigation. Hence, a clarity is required as to the means and infrastructure adopted by the political parties to collect, process and store data from the public.

7.In the present case, a door-to-door data collection is carried out and a membership drive is conducted. But, how this data is stored and processed and the implications on the right to privacy of the voter including the right to privacy of the political affiliation also ought to be examined.

8.A valid and free consent is essential part of such membership programmes organized by the political parties. Hence, no force or coercion shall be employed in such membership drive conducted by the political parties. The fifth respondent is directed to provide details on the data privacy policy employed in this membership campaign and ensure the security of the data collected and whether “informed consent” is obtained from the individuals in this membership drive.



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9.It is also to be seen if other smaller or economically challenged political parties will be put to in a disadvantageous position and will it disturb the level playing field in the election thereby impacting Article 14 of the Constitution of India.

10.In the light of the above, an order of interim injunction is granted to the limited extent of restraining the 5th respondent from sending OTP verification messages in the “Oraniyil Tamil Nadu (ஓரணியில் தமிழ்நாடு) Membership Drive” until the issues of right to privacy and data protection are examined in detail in this Writ Petition, since fundamental rights of the people are at Stake.

11.Mr.P.Thilak Kumar, learned Government Pleader, takes notice for the respondents 1 and 4 and Mr.K.Govindarajan, learned Deputy Solicitor General of India, takes notice for the respondents 2 and 3.

12.Notice to the 5th respondent returnable in two weeks. Private notice is also permitted.

13.Post the matter after two weeks.

sd/-
21/07/2025



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[Order of the Court was made by DR.A.D.MARIA CLETE J.]

This separate order is made briefly owing to paucity of time, as my learned brother Judge has directed that the order copy be issued today itself.

2. During the course of hearing, since the petitioner has approached this Court under Article 226 of the Constitution, Mr. Govindaraj, learned counsel appearing for the Union of India, was queried as to whether any mechanism or designated authority exists to address violations under the Digital Personal Data Protection Act, 2023. He submitted that rules have been framed under the Act and that the authority concerned is the Joint Secretary. However, he sought time to verify and respond on the specific operational aspects and the institutional framework under the DPDP Act.

3. When my learned brother Judge was inclined to grant interim relief even before the respondents had the opportunity to file their counter, I expressed the view to await their response. The respondents had sought a short accommodation to apprise the Court of various critical aspects particularly the technological and



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administrative infrastructure involved in the implementation of the programme, which pertains to the exchange of One-Time Passwords (OTPs) and mobile-based communications. In my considered view, this information would be essential in assessing not just the prima facie case but also the balance of convenience and risk of irreparable injury, before arriving at a fully informed decision on interim relief.

4. While I respectfully agree with my learned brother Judge on the overarching significance of the right to privacy and the seriousness of data protection concerns, especially in light of OTP-linked authentication and possible violations of informational privacy, I was inclined to exercise caution and grant only a limited interim order subject to further submissions.

5. During the hearing, my learned brother Judge also directed the petitioner's counsel to file an application to implead the Election Commission. At that juncture, I expressed that such a step may be deferred until further materials are placed on record and a fuller picture emerges regarding the scope of institutional involvement.

6. In view of the above, I have joined my learned brother Judge in agreeing to the grant of interim relief at this stage, particularly in light of the serious concerns



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relating to personal data protection and digital privacy. However, I have made it clear, both during the hearing and in this separate order, that such relief is extended with circumspection, particularly in the absence of a counter-affidavit and without full knowledge of the programme's operational framework.

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7. The Union Government, through Mr. Govindaraj, has indicated that necessary rules under the DPDP Act, 2023 have been framed and that the Joint Secretary is the authority concerned. Time has been sought to furnish further details, and I am of the view that procedural fairness warrants an opportunity to place the respondents' version and supporting material on record.

8. While I have associated myself with the operative interim direction, I express my respectful reservation with regard to paragraph 9 of the order of my learned brother Judge, insofar as it contains certain broader observations that, in my view, are not immediately germane to the legal and factual matrix presently before the Court.



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9. The matter may be listed for further hearing upon the filing of the counter-
affidavit and production of relevant materials by the respondents.

sd/-
21/07/2025

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21/07/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PS/LS

To

- 1.The Home Secretary,
the State of Tamil Nadu,
Government of Tamil Nadu,
St.George Fort,
Chennai - 600 009.
- 2.The Union of India,The Secretary, Ministry of Electronics
and Information Technology,
Electronics Niketan,
6, CGO Complex,
Lodhi Road,
New Delhi - 110 003.



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3.The Chief Executive Officer,
Unique Identification Authority of India (UIDAI),
Bangla Sahib Road, Behind Kali Mandir,
Gole Market, New Delhi - 110 001.

4.The District Collector,
Sivagangai District,
Sivagangai - 06.

Copy to
The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
WP(MD) No.19826 of 2025
Date :21/07/2025

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023