

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.22899 of 2011

Annal Ambedkar Amaippu Saara
Thozhilalar Munnetra Sangam,
(Reg.No.1369/SLM),
No.105/3, Kapilar street,
Old Suramangalam,
Salem-636 005,
rep. by its President Aranga Selladurai. ... Petitioner

-vs-

- 1.State of Tamilnadu,
rep. by its Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat,
Fort St. George,
Chennai-600 009.
- 2.The Tamilnadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
CMBT, Arumbakkam,
Chennai-600 106. ... Respondents

Petition under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st respondent to include the post of Mayor of Salem Municipal Corporation by reserving the same to the members of the Scheduled Castes in the Schedule to the Appendix of the notification in G.O.(Ms) No.142 dated 16.09.2011 of the 1st respondent and consequently direct the 2nd respondent to conduct elections to said post in the elections to be held on 19.10.2011.

For Petitioner : Mr.S.Sathia Chandran

For Respondents: Mr.STS.Moorthy
Govt. Pleader for R1
Mr.B.Nedunchezhiyan for R2

O R D E R

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

The writ petition was filed with the original prayer for directions to the State of Tamil Nadu/1st respondent to include the post of Mayor of Salem Municipal Corporation under reserved category for the members of the Scheduled Castes with the consequential direction to respondent No.2/State Election Commission to conduct elections accordingly in the scheduled elections to be held on 19.10.2011.

2. The learned counsel for the petitioner fairly states that the present writ petition has become infructuous. He, however submits that one aspect, which is a recurring problem, has to be addressed i.e. roster of seats reserved has to be published well in advance, so that if any one wants to seek rectification of the same or impugn the same, that may be possible, as once the elections are notified, there is little what can be done.

3. We find the submission of the learned counsel for the petitioner is reasonable, as on notification of the election, it may not be possible to interfere in the election process, leading to situation where the grievance remains untested.

4. We, thus, call upon respondent No.1/State to take action well in time for the purposes of notifying the roster, at least one month prior to the election being notified. All necessary co-ordination in this behalf can be made between respondent Nos.1 and 2.

5. The writ petition, accordingly, stands disposed of. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

bbr

To

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Tamilnadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
CMBT, Arumbakkam,
Chennai-600 106.

1 cc to Mr.S. Sathia Chandran, Advocate, Sr. 17504
1 cc to Government Pleader, Sr. 17439

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