

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.26114 of 2015
and
M.P.No.1 of 2015

C.Subramani

...Petitioner

Versus

1. The Chief Election Commissioner,
Tamil Nadu State Election Commission,
Arumbakkam,
Chennai - 600 106.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Director,
Scheduled Caste and Scheduled Tribe Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
4. The Revenue Divisional Officer,
Thiruthani,
Thiruvallur District.

5. T.D. Srinivasan

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate action as against the 5th respondent based on my representation dated 23.03.2015 and pass necessary order to disqualify the 5th respondent from performing the functions of District Panchayat Member Ward 1 Thiruvallur District.

For Petitioner : Mr.V.V.Selvasekaran
For Respondent 1 : Mr.B.Nedunchezhiyan
Additional Government Pleader
For Respondents 2 to 4 : Mr.S.Diwakar
Additional Government Pleader
For Respondent 5 : Mr.S.Doraisamy

ORDER

The petitioner seeks for issuance of Writ of Mandamus to direct the respondents 1 to 4 to take appropriate action against the fifth respondent, on the ground that, the fifth respondent has produced bogus Community Certificate and therefore, the fifth respondent is not entitled to function as District Panchayat Member Ward 1, Thiruvallur District.

2. On perusal of the averments made in the affidavit, filed in support of the Writ Petition, as well as on reading of the prayer in the Writ Petition, it is seen that the petitioner has canvassed two issues. If the petitioner's case is that, the fifth respondent has produced a bogus Community Certificate, he has to approach the District Collector by way of representation. On the other hand, if the petitioner challenges the election of the fifth respondent as Ward Councilor, the remedy is under the provision of District Municipality Act. Therefore, both these prayers cannot be rolled into one. But, the primary allegation, as could be seen from the affidavit and representation dated 23.03.2015, is as regards the communal status of the fifth respondent. If that is the case, it is for the second respondent to consider the petitioner's representation.

3. Accordingly, the Writ Petition stands disposed of, directing the second respondent to consider petitioner's representation dated 23.03.2015 and examine the same, after notice to the petitioner and fifth respondent and pass appropriate orders on merits in accordance with law. If the second respondent is of the opinion that, the matter has to be referred to the competent authority, for verifying the genuineness of the Community Certificate, he can do so, in accordance with law.

4. The second respondent is directed to comply with the above directions, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to enclose a copy of the said representation dated 23.03.2015, along with this order and forward the same to the second respondent for passing orders. No costs. Consequently, connected M.P.No.1 of 2015 is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

ds

To

1. The Chief Election Commissioner,
Tamil Nadu State Election Commission,
Arumbakkam,
Chennai - 600 106.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Director,
Scheduled Caste and Scheduled Tribe Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
4. The Revenue Divisional Officer,
Thiruthani,
Thiruvallur District.

1 CC to Mr.V.V.Selvasekaran, Advocate SR.No. 60216

1 CC to Mr.B.Nedunchezhiyan, Advocate SR.No. 60532

1 CC to Mr.S.Doraisamy, Advocate SR.No. 60278

WP.No.26114 of 2015

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PSI (23.11.2015)