

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 110 of 2011

and

M.P. No. 2 of 2011

K. Natarajan

.. Petitioner

Vs.

1 THE STATE OF TAMIL NADU
REP BY ITS PRINCIPAL SECRETARY
RURAL DEVELOPMENT &
PANCHAYAT RAJ DEPARTMENT
SECRETARIAT
FORT ST. GEORGE CHENNAI-9.

2 TAMIL NADU STATE ELECTION COMMISSION
REP BY SECRETARY
208/2 JAWAHARLAL NEHRU SALAI
ARUMBAKKAM CHENNAI- 106.

3 THE STATE ELECTION OFFICER /
DIRECTOR OF RURAL
DEVELOPMENT & PANCHAYAT RAJ
SAIDAPET, CHENNAI-15.

4 THE DISTRICT COLLECTOR /
DISTRICT ELECTION OFFICER
COTTON MARKET COMPLEX
PALLADAM ROAD
TIRUPPUR-641604. सत्यमेव जयते

5 THE BLOCK DEVELOPMENT OFFICER
/ RETURNING OFFICER
AVINASI PANCHAYAT UNION
AVINASI TIRUPPUR-641654.

6 THE PRESIDENT (IN-CHARGE) /
VICE-PRESIDENT
CHINNERIPALAYAM VILLAGE
PANCHAYAT CHINNERIPALAYAM
KARUKKAMPALAYAM POST
TIRUPPUR-641654.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for all the Records pertaining to the Statutory Order No. S.O.No. 97/2010/TNSEC/PE-1 dt.16.12.2010 of the 2nd Respondent and quash the same in so far as it concerns election to the casual vacancy in the post of the President of the Chinneripalayam Village Panchayat scheduled for 10-01-2011 and for a Direction to the Respondents 1 to 5 to duly prepare and publish the Electoral Roll of all eligible electors of the 3 Wards in Chinneripalayam Village Panchayat and thereafter duly publish the Statutory Notification and thereafter to hold the election to the casual vacancy in the post of the President of the Chinneripalayam Village Panchayat afresh by strictly following all the statutory provisions contained in the Tamil Nadu Panchayats Act, 1994 and the Tamilnadu Panchayats (Elections) Rules 1995 and pass further orders.

For Petitioner : No Appearance

For Respondent : Mr. S. Navaneethan, AGP
for Respondents 1, 3, 4 & 6

Mr. S.T.S Murthy, AAG for R5

No Appearance for R2

O R D E R

This Writ Petition has been filed to quash the proceedings pertaining to the Statutory Order No. S.O.No. 97/2010/TNSEC/PE-1 dt.16.12.2010 of the 2nd Respondent, in so far as it concerns election to the casual vacancy in the post of the President of the Chinneripalayam Village Panchayat scheduled for 10-01-2011 and for a Direction to the Respondents 1 to 5 to duly prepare and publish the Electoral Roll of all eligible electors of the 3 Wards in Chinneripalayam Village Panchayat and thereafter duly publish the Statutory Notification and thereafter to hold the election to the casual vacancy in the post of the President of the Chinneripalayam Village Panchayat afresh by strictly following all the statutory provisions contained in the Tamil Nadu Panchayats Act, 1994 and the Tamilnadu Panchayats (Elections) Rules 1995.

2. There is no representation for the petitioner and the 2nd respondent. Heard Mr. S.T.S. Murthy, learned Additional Advocate General representing for the 5th respondent and Mr. S. Navaneethan, learned Additional Government Pleader for the other respondents.

3. It is stated in the affidavit filed in support of the writ petition, that the respondents have violated the statutory provisions contained in the Act and the procedure prescribed in the Rules, in holding the election. Further, there is no Electoral Roll prepared and published by the 5th respondent and thereby have violated Article 14(5) (a), 19(1) and 19(2) of the Tamilnadu Panchayats (Elections) Rules 1995.

4. Learned Additional Advocate General submitted that the term of office is only for five years and now the term had expired. Subsequently, the Government have issued fresh notification on 26.09.2016 for conduct of the election in Corporations, Municipalities, Third Grade Municipalities and Town Panchayats for Ward Members/ Councillors in the Tamil Nadu Government Gazette No.229, in exercise of the powers conferred under sub Section (1) of Section 43-B of the Tamil Nadu District Municipalities Act, 1920. A copy of the same has also been produced before this Court. Hence, he pleaded that nothing survives in the writ petition and the same is liable to be dismissed.

5. As pointed out by the learned counsel for the respondents, no interim orders has been granted by this Court, at the time of admission. In the light of the above submissions made by the learned Additional Advocate General and the notification, nothing survives in the present writ petition and the prayer sought for, cannot be considered, at this stage.

6. Therefore, this writ petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

sd/

Assistant Registrar(CS II)

/true copy/

Sub Assistant Registrar

avr

To

1 THE PRINCIPAL SECRETARY
STATE OF TAMIL NADU
RURAL DEVELOPMENT &
PANCHAYAT RAJ DEPARTMENT
SECRETARIAT
FORT ST. GEORGE CHENNAI-9.

WEB COPY

2 THE SECRETARY
TAMIL NADU STATE ELECTION COMMISSION
208/2 JAWAHARLAL NEHRU SALAI
ARUMBAKKAM CHENNAI- 106.

3 THE STATE ELECTION OFFICER /
DIRECTOR OF RURAL
DEVELOPMENT & PANCHAYAT RAJ
SAIDAPET, CHENNAI-15.

4 THE DISTRICT COLLECTOR /
DISTRICT ELECTION OFFICER
COTTON MARKET COMPLEX
PALLADAM ROAD
TIRUPPUR-641604.
TIRUPPUR DISTRICT

5 THE BLOCK DEVELOPMENT OFFICER
/ RETURNING OFFICER
AVINASI PANCHAYAT UNION
AVINASI TIRUPPUR-641654.

6 THE PRESIDENT (IN-CHARGE) /
VICE-PRESIDENT
CHINNERIPALAYAM VILLAGE
PANCHAYAT CHINNERIPALAYAM
KARUKKAMPALAYAM POST
TIRUPPUR-641654.

+1cc to Mr.Ashok Viswanath Advocate SR.No.7338
+1cc to Mr.S.T.S.Murthy Advocate SR.No.72928
+1cc to Governemt Pleader Sr.No.73291

W.P. No. 110 of 2011
and
M.P. No. 2 of 2011

SK (CO)
GN (09/02/2017)

WEB COPY