

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.10.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and

The Honourable Mr.Justice R.MAHADEVAN

W.P.No.24435 of 2016

K.Jagan

... Petitioner

Versus

1.The District Collector/
Inspector of Panchayats/
Chief Electoral Officer,
Cuddalore, Cuddalore District.

2.The Principal Secretary,
Election Commission of India,
Nirvachan Sadan,
Ashoka Road, New Delhi 100001.

3.The Chief Electoral Officer,
Tamil Nadu,
Chennai.

4.Balakrishnan
Vice-President,
Vadakuthu Village,
Kurinjipadi Taluk,
Cuddalore District.

5.Anjalai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Declaration, declaring that Sections 47(1)(2) and (3) of the Tamil Nadu Panchayats Act, 1994 are ultra-vires, invalid, null and void.

For Petitioner ::: Mr.R.Gururaj

For Respondents ::: Mr.R.Vijayakumar

AGP for R.1 to R.3

O R D E R

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

We refuse to entertain this writ petition on behalf of the petitioner who was elected as President of the Panchayat in the Election held on 16.10.2011 and for furtherance of his political career, opted to stand for the Tamil Nadu State Assembly Elections and resigned from the post of the President of the Panchayat. Unfortunately for him, the petitioner lost the elections. In view of the absence of the President, the Vice-President was carrying on necessary task. The petitioner thereafter seeks to prevent the Vice-President from doing so, alleging that since the post of President is one of direct election, it cannot be substituted by a Vice-President who is not directly elected.

2. The occasion for the Election Commission to have elections for the vacancy did not arise as in any case, term of the Panchayats expired on 24.10.2016 and fresh elections are to be held. Thus, the performance of the functions of the Vice-President was an interim arrangement.

3. The petitioner in fact has not even impleaded the State Government as the party, while seeking to assail the provisions of Sections 47(1), (2) and (3) of the Tamil Nadu Panchayats Act, 1994 as constitutionally invalid; if we may say, it is litigation for the sake of it.

4. The writ petition accordingly stands dismissed, leaving the parties to bear their own costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector/ Inspector of Panchayats/ Chief Electoral Officer,
Cuddalore, Cuddalore District.

2.The Principal Secretary, Election Commission of India,
Nirvachan Sadan,
Ashoka Road, New Delhi 100001.

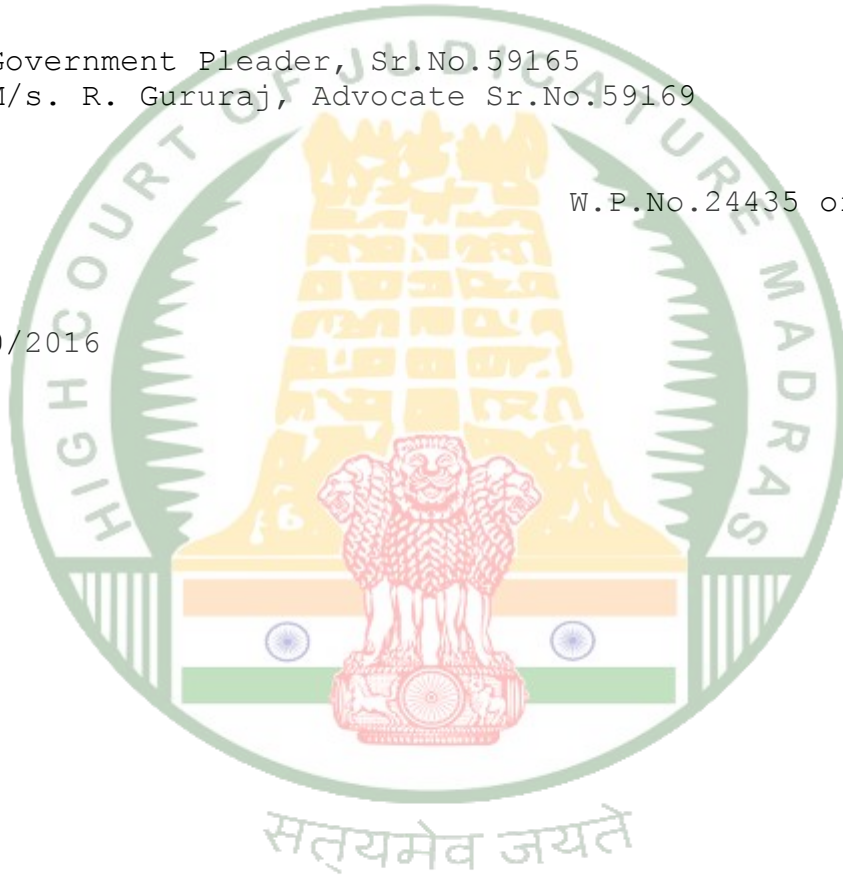
3.The Chief Electoral Officer, Tamil Nadu, Chennai.

+1 CC to Government Pleader, Sr.No.59165

+1 CC to M/s. R. Gururaj, Advocate Sr.No.59169

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SAI (CO)
MD : 26/10/2016



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