

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.08.2016

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THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition No.29055 of 2016

The Chairman
Gangaikondan Special Grade
Town Panchayat
Gangaikondan, Cuddalore District ..Petitioner

Vs

- 1 The Director of Town Panchayat
Kuralagam Chennai-600 108
- 2 The Assistant Director of Town Panchayat
Cuddalore Zone Cuddalore
- 3 The District Collector /
Inspector of Panchayat,
Cuddalore District
- 4 The Executive Officer
Gangaikondan Special Grade Town Panchayat
Gangaikondan Cuddalore District [Respondents]

Prayer: Petition has been filed under Article 226 of the Constitution of India seeking Writ of mandamus directing the 1st and 2nd respondent to implement the recommendation of the 4th respondent in Na.Ka.NO. A1/163/2015 dated 22.06.2016 and consequentially direct the 1st and 2nd respondent to reconstitute the Gangaikondan Special Grade Town Panchayat with 15 councillors taking note of 6672 voters as per the provisions of the Tamilnadu (Town Panchayats) (Fixation of Strength of Councilors) Rules 1996.

For Petitioner : Mr.P.Paramasivadoss

For Respondents : Mr.V.Jayaprakash Narayanan,
SGP (R1-3)
Mr.K.Dhanajayan, SGP (R4)

O R D E R

Heard Mr.P.Paramasivadosh, learned Counsel for the petitioner, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who took notice for respondents 1 to 3 and Mr.K.Dhanajayan, learned Special Government Pleader, who took notice for the 4th respondent.

2. The petitioner has filed this writ petition for the issuance of a writ of mandamus to direct the 1st and 2nd respondent's to implement the recommendation of the 4th respondent in Na.Ka.NO. A1/163/2015 dated 22.06.2016 and consequently direct the 1st and 2nd respondent's to reconstitute the Gangaikondan Special Grade Town Panchayat with 15 councillors, taking note of 6672 voters, as per the provisions of the Tamilnadu (Town Panchayats) (Fixation of Strength of Councilors) Rules 1996.

3.1 The petitioner is serving as a President of the Gangaikondan Special Grade Town Panchayat, Gangaikondan, Cuddalore District. The said Town Panchayat is located abutting the Neyveli Township and Lignite Mines. Initially, the Gangaikondan Special Grade Town Panchayat was a Village Panchayat and thereafter it was upgraded as Gangaikondan Special Village Panchayat and it was reconstituted as a Gangaikondan Special Grade Town Panchayat as per G.O.Ms.No.55, Municipal Administration and Water Supply (Election) Department dated 14.07.2006 and 15 Councilors Wards were formed.

3.2 Recently, the Wards 3,4,5,6, part of 7,8 and 9 of the Town Panchayat were acquired for the expansion of the Neyveli Lignite Mines and the lands in Wards were acquired. A number of residence whose lands were acquired were granted alternative accommodation by Neyveli Lignite Corporation in the nearby areas and they have shifted their residence. In view of acquisition of lands, the ward Nos.3,4,5,6 and part of 7,8 and 9 are not in existence. As the tenure of the Municipalities and local bodies are to expire, the 1st respondent through a communication dated 27.05.2016 instructed the 2nd respondent to prepare the correlation statement before 01.06.2016 and to prepare the gender wise electoral details etc.. The 2nd respondent sent a proceeding on 03.06.2016 to the 4th respondent seeking correlation statement. In response to that, the 4th respondent, taking note of the population of the other wards being available with 6672 voters, sought for reconstitution of the Special Grade Town Panchayat into 15 Wards to the District Collector by proceedings dated 06.06.2016 and 09.06.2016. In this regard, a resolution was passed by the Town Panchayat on 22.06.2016. The 4th respondent again by proceeding dated 22.06.2016 sought for reconstitution of the Town Panchayat, which request is in

conformity with the Tamilnadu (Town Panchayats) (Fixation of Strength of Councilors) Rules 1996.

3.3 Therefore, according to the petitioner, since the 4th respondent had made a recommendation to the District Collector, based on the resolution of the Town Panchayat dated 22.06.2016, the same has to be forwarded to the 2nd respondent, who in turn has to forward it to the 1st respondent and finally the 1st respondent has to take a decision.

4. Considering the fact that the 4th respondent has already sent his recommendation to the 3rd respondent for reconstitution of the Wards into 15, as per his communication dated 22.06.2016, the 3rd respondent is directed forward the same to the 2nd respondent, who in turn, shall forward it to the 1st respondent. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 1st respondent shall pass orders on the same within a period of two weeks thereafter.

The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Director of Town Panchayat
Kuralagam Chennai-600 108
- 2 The Assistant Director of Town Panchayat
Cuddalore Zone Cuddalore
- 3 The District Collector /
Inspector of Panchayat, Cuddalore District
- 4 The Executive Officer
Gangaikondan Special Grade Town Panchayat
Gangaikondan Cuddalore District

+1cc to Mr.P. Paramasivadoss, Advocate, S.R.No.47666

+1cc to Mr.K. Dhananjayan, Advocate, S.R.No.47646

PA(CO)

EU(30/08/2016)

W. P. No.29055 of 2016