

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.29362 of 2016
and W.M.P.No.25380 of 2016

V.Venkatachalam

.. Petitioner

-vs-

- 1.The State of Tamilnadu,
Rep. By its Secretary,
Law Department,
Fort St. George, Chennai 600 009.
- 2.The State of Tamilnadu,
Rep. By the Secretary,
Rural Development and Panchayat Raj
Dept., Govt. of Tamilnadu,
Secretariat, Fort St. George,
Chennai 600 009.
- 3.Tamilnadu State Election Commission,
Rep. By Tamilnadu State Election
Commissioner, No.208/2, Jawaharlal
Nehru Road, Opp. To CMBT,
Arumbakkam, Chennai 600 106.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration to declare ''The Tamil Nadu Panchayats (Second Amendment) Act, 2016'' as unconstitutional, ultra vires the Constitution of India particularly Part IX of the Constitution of India and consequentially direct the respondents to de-reserve the post of President in the Veerapandi Panchayat and the post of 9th Ward Councillor in the Veerapandi Panchayat Union in the ensuing local body election 2016 so as to enable the petitioner to contest in the election 2016.

For Petitioner : Mr.K.Selvaraj
For Respondents : Mr.R.Vijayakumar,
Addl.G.P. for RR 1 and 2
: Mr.B.Nedunchezian for R-3

O R D E R

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

The petitioner having waited all this time fully knowing that the post was reserved for the President of the Panchayat Union in Veerapandi Panchayat and now seeking de-reservation in view of the impending elections to the Gram Panchayat, we are not inclined to directly intervene, but are agreeable to the submission of the learned counsel for the petitioner that the representation, made only recently on 11.08.2016, may be disposed of within a time bound schedule.

2.Learned counsel appearing for the third respondent / State Election Commission states that they have no power in this behalf and the power vests with the State Government. The representation is not even being sent to the State Government, though it is now annexed to the petition.

3.In view of the aforesaid, the State Government / the first two respondents may examine the representation originally addressed to the third respondent and now annexed to the petition within four (4) weeks from today.

4.Writ petition stands disposed of. No costs. Consequently, W.M.P.No.25380 of 2016 is closed.

5.Petitioner may forward a copy of the representation dated 11.08.2016 along with a copy of this order.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sra

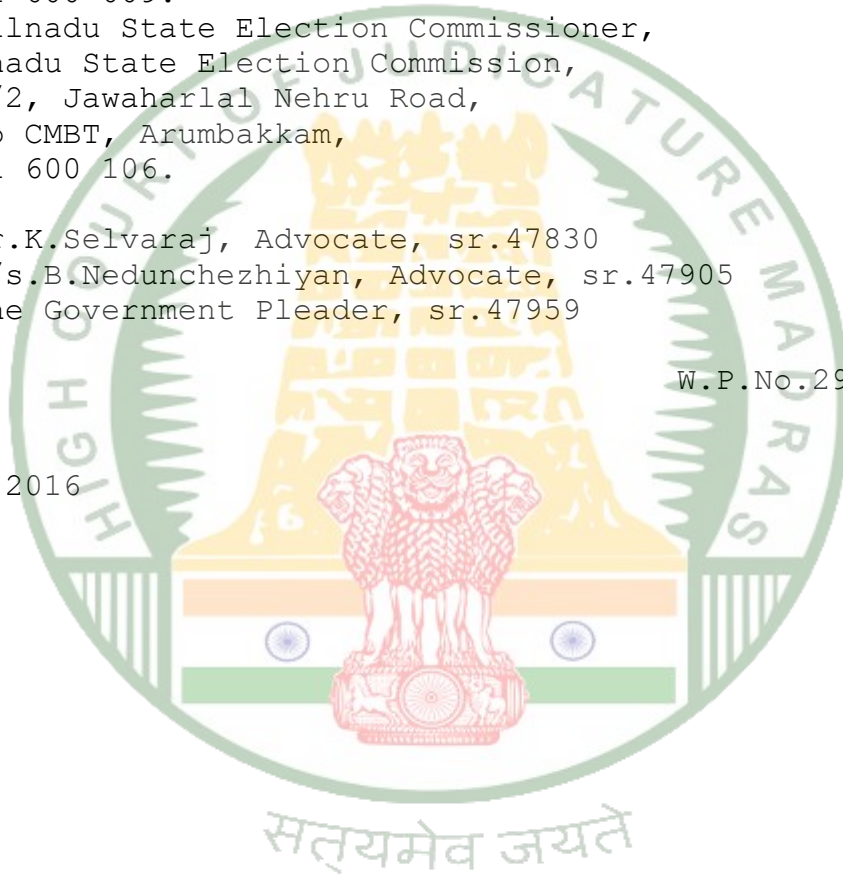
To

- 1.The Secretary to State of Tamilnadu,
Law Department,
Fort St. George, Chennai 600 009.
- 2.The Secretary to Govt. of Tamilnadu,
Rural Development and Panchayat Raj
Dept., Secretariat, Fort St. George,
Chennai 600 009.
- 3.The Tamilnadu State Election Commissioner,
Tamilnadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opp. To CMBT, Arumbakkam,
Chennai 600 106.

- 1 cc to Mr.K.Selvaraj, Advocate, sr.47830
1 cc to M/s.B.Nedunchezhiyan, Advocate, sr.47905
1 cc to The Government Pleader, sr.47959

W.P.No.29362 of 2016

ug co
kra 24.08.2016



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