

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 33946 of 2016
&
W.M.P. No. 29299 of 2016

R. Prabu

..Petitioner

Vs.

1. The State of Tamil Nadu rep. by
The Secretary to Government,
Rural Development Department,
Secretariat,
Chennai - 9.
2. The State Election Commission,
State of Tamil Nadu,
208/2, Jawaharlal Nehru Salai,
Arumbakkam,
Chennai - 106.
3. The District Election Officer,
Coimbatore District,
Coimbatore.
4. The Commissioner,
Periyanaickan Palayam Panchayat Union,
Periyanaickan Palayam,
Coimbatore District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus forbearing the respondents from implementing the proposal of converting the Bilichi Panchayat in Periyanaicken Panchayat Union, Coimbatore from the present category (woman candidate) to that of the category of SC (General), SC (Woman) and SC(A) without taking note of the actual strength of population of SC community.

For Petitioner :: Mrs.M. Srividhya

For Respondents:: Mr.T.M. Pappiah,
Special Govt. Pleader for R1
Mr.B. Nedunchezian
for R2 & R3
Mr.M. Elumalai,
Govt. Advocate for R4

O R D E R

The petitioner, who is a native of Onnipalayam, Bilichi Post, Periyanaicken Panchayat Union, Coimbatore, has come before this Court seeking a Writ of Mandamus forbearing the respondents from implementing the proposal of converting the Bilichi Panchayat in Periyanaicken Panchayat Union, Coimbatore from the present category (woman candidate) to that of the category of SC (General), SC (Woman) and SC(A) without taking note of the actual strength of population of SC community.

2. According to the petitioner, people from other communities form major part of the population in Bilichi Panchayat, when compared to SC community and there are other Panchayats in which the SC population is more than 18%. Eventhough the strength of people belonging to other communities is more than the strength of people belonging to SC community, the respondents are taking steps to convert the category of the above mentioned Panchayat from the present category, namely, General (Woman) to SC category for reasons best known to them, which according to the petitioner, is violative of Article 243-D of the Constitution of India. Hence, the present writ petition.

3. Heard Mrs.M. Srividhya, learned counsel for the petitioner; Mr.T.M. Pappiah, learned Special Government Pleader for the 1st respondent; Mr.B. Nedunchezian, learned counsel for respondents 2 and 3 and Mr.M. Elumalai, learned Government Advocate for the 4th respondent.

4. Though many contentions have been raised by the petitioner, giving the details of the population, belonging to other communities and SC community, in Bilichi Panchayat, it is an admitted fact that for 10 years, the Panchayat was meant for the present category and only after 10 years, it is sought to be reserved. As per the provisions of the Tamil Nadu Panchayats Act, 1994, rotation has to take place every 10 years. For a

period of 10 years, the said Panchayat was meant for the present category, namely, General (Woman) and only now, on rotation, it is proposed to be converted to SC category. The proposed conversion, based on rotation, is in consonance with the provisions of the aforesaid Act. Hence, the writ petition fails and the same is dismissed. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nv
To

1. The Secretary to Government,
Rural Development Department,
Secretariat,
Chennai - 9.
2. The State Election Commission,
State of Tamil Nadu,
208/2, Jawaharlal Nehru Salai,
Arumbakkam,
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Coimbatore District,
Coimbatore.
4. The Commissioner,
Periyanaickan Palayam Panchayat Union,
Periyanaickan Palayam,
Coimbatore District.

+1cc to M/S.M.Srividhya, Advocate Sr.55178

W.P. No. 33946 of 2016

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srg 03/11/2016