

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 34931 of 2016
&
W.M.P. No. 30070 of 2016

D. Anumanthappa ..Petitioner

Vs.

The Assistant Returning Officer,
(Block Development Officer),
Tamil Nadu Local Body Elections-2016,
Shoolagiri, Krishnagiri District. ..Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondent to accept the nomination of the petitioner for contesting the office of the President of Village Panchayat of Ayarnapalli, Shoolagiri Taluk for the Panchayat Elections 2016 without insisting upon the production of a fresh community certificate and accept the declaration made in Form No.3 (nomination of the petitioner).

For Petitioner :: Mr.S. Doraisamy

For Respondent :: Mr.T.M. Pappaiah
Special Govt. Pleader

सत्यमेव जयते
O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the respondent to accept the nomination of the petitioner for contesting the office of the President of Village Panchayat of Ayarnapalli, Shoolagiri Taluk for the Panchayat Elections 2016 without insisting upon the production of a fresh community certificate and accept the declaration made in Form No.3 (nomination of the petitioner).

2. According to the petitioner, he belongs to "Kurichchan" community, which is recognised as a Scheduled Tribe Community. In all his school records as well as in the community certificate issued on 01.08.1978 by the competent

authority, the community of the petitioner is shown as "Kurichchan". While so, pursuant to the notification issued by the Tamil Nadu State Election Commission on 25.09.2016 for the conduct of Panchayat Elections, scheduled to be held on 17th and 19th October, 2016, the petitioner filed his nomination, to contest for the post of President of Village Panchayat of Ayarnapalli, Shoolagiri Taluk. However, the petitioner was asked to produce a fresh community certificate issued by the Revenue Divisional Officer, failing which, he was informed that his nomination would be rejected. Hence, the present writ petition.

3. Heard Mr.S. Doraisamy, learned counsel for the petitioner and Mr.T.M. Pappiah, learned Special Government Pleader, who takes notice on behalf of the respondent.

4. Rule 26 (3) of the Tamil Nadu Panchayats (Elections) Rules, 1995, reads as follows:

"If the seat is reserved for Scheduled Caste or Scheduled Tribe, a candidate shall furnish a declaration, in th nomination form made by him specifying the particular caste or tribe of which he is a member and the area in relation to which the caste or tribe is notified as a Scheduled Caste or Scheduled Tribe of the State."

A reading of the above provision makes it explicit that it is sufficient if a candidate furnishes a declaration that he/she belongs to a particular community and there is no necessity to produce community certificate, in support thereof.

5. Therefore, the respondent is directed to accept the nomination of the petitioner, without insisting upon production of a fresh community certificate and accept the declaration made in Form No.3 (nomination of the petitioner). The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nv

To

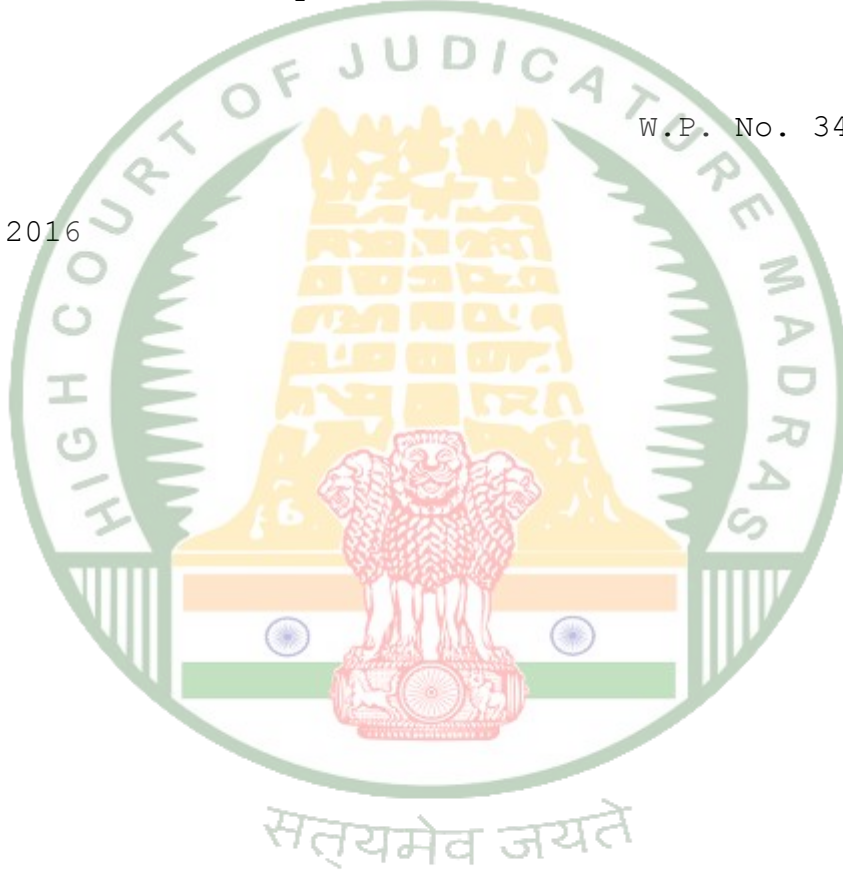
The Assistant Returning Officer,
(Block Development Officer),
Tamil Nadu Local Body Elections-2016,
Shoolagiri, Krishnagiri District.

1 cc to M/s.S.Doraisamy, Advocate, sr.56712

1 cc to M/s.B.Nedunchezhiyan, Advocate, sr.56672

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