

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 34932 of 2016
&
W.M.P. No. 30071 of 2016

T.D. Srinivasan

..Petitioner

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Returning Officer,
O/o. Pallipattu Panchayat Union,
Tamil Nadu Local Body Elections-2016,
Pallipattu, Pallipattu Taluk,
Thiruvallur District.

...Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to accept the nomination of the petitioner for contesting the office of the District Councillor of Pallipattu, Ward No.1, Pallipattu 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 for R1
Special Govt. Pleader

Mr.B.Nedunchezhiyan for R2

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the respondents to accept the nomination of the petitioner for contesting the office of the District Councillor of Pallipattu, Ward No.1, Pallipattu 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 "Kondareddis" community, which is recognised as a Scheduled Tribe Community. In all his school records as well as in the community certificate issued on 15.06.1979, by the competent authority, the community of the petitioner is shown as "Kondareddis". 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 District Councillor of Pallipattu, Ward No.1, Pallipattu 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 respondents.

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 the 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 respondents are 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

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Returning Officer,
O/o. Pallipattu Panchayat Union,
Tamil Nadu Local Body Elections-2016,
Pallipattu, Pallipattu Taluk,
Thiruvallur District.

1 cc to M/s.Doraisamy, Advocate, sr.56713

1 cc to M/s.B.Nedunchezhiyan, Advocate, sr.56673

W.P. No. 34932 of 2016

rsk co
kra 03.10.2016

सत्यमेव जयते

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