

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

WP.NO.35123 of 2016
and
WMP.No.30263 of 2016

Logaminnala

... Petitioner

-Vs-

The Assistant Returning Officer,
(Executive Officer Pennagaram Town Panchayat)
Tamil Nadu Local Body Elections - 2016,
Pennagaram,
Dharmapuri District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to accept the nomination of the petitioner without insisting upon the production of a community certificate if the nomination papers are otherwise in order by applying rule 26 (3) of the Tamil Nadu Panchayats (Elections) Rules, 1995 for contesting the post of Ward Member for Ward No.16, Pennagaram Town Panchayat, for the Panchayat Elections 2016.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.T.M.Pappiah
Special Government Pleader

ORDER

The petitioner belongs to Kurumans community which is classified as a Scheduled Tribe community. She intends to contest for Ward No.16, Pennagaram Town Panchayat which is reserved for Scheduled Tribe (Woman) candidate. Though the petitioner filed her nomination on 30.09.2016, the respondent insisted for production of community and therefore the petitioner is before this Court.

2. Heard Mr.S.Doraisamy, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents.

3. As per Rule 26 (3) of the Tamil Nadu Panchayats (Elections) Rules, 1995, candidates contesting in the election are required to furnish a declaration in the nomination form specifying the particular caste or tribe to which they belong and there is no compulsion on the part of the candidates to produce community certificate. When that is the rule, this Court directs the respondents to accept the nomination of the petitioner for contesting the post of Ward Member in Ward No.16, Pennagaram Town Panchayat, based on the declaration furnished by her.

4. With the above direction, this writ petition is disposed of. No costs. Consequently, connected W.M.P. is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rgr

To

The Assistant Returning Officer,
(Executive Officer Pennagaram Town Panchayat)
Tamil Nadu Local Body Elections - 2016,
Pennagaram,
Dharmapuri District.

+lcc to Mr.S.Doraisamy, Advocate, S.R.No.56714

+lcc to Mr.B.Nedunchezhiyan, Advocate, S.R.No.56806

W.P.NO.35123 of 2016

SVI (CO)
CA(05/10/2016)

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