



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2016

CORAM:

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THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. [MD].No.18028 of 2016

S.Mahendran

.. Petitioner

Vs.

- 1.The Chief Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam, Chennai - 600 106.
- 2.The State of Tamil Nadu,
rep. by the Principal Secretary to Government,
Municipal Administration and Water Supply
Department, St. George Fort,
Chennai.
- 3.The Director,
Municipal Administration and Water Supply
Department, Chepauk,
Chennai.
- 4.The District Collector,
Ramanathapuram District.
- 5.The Commissioner,
Municipality Office,
Rameswaram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to allot seats in Ward Nos.1,3,7,11,12,13 & 15 for women in the forthcoming local body election to be held to Rameswaram Municipality as seats in those wards were not so far allotted to women by rotation as per 3 & 4 of the Tamil Nadu Town Panchayats Municipalities and Corporations (Delimitations of Wards or Divisions and Reservations) Rules, 1996 and by taking into consideration of petitioner's representation dated 22.08.2016.



For Petitioner : Mr.K.Lavan
For respondents 1 to 4 : Mr.B.Pugazhendhi,
Addl. Advocate General,
For 5th respondent : Mr.M.Kannan

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O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner, a voter in the Rameshwaram Municipality, governed by the Tamil Nadu District Municipalities Act, has come up with this Public Interest Litigation seeking a direction to the respondents to allot seats in Ward Nos.1, 3, 7, 11, 12, 13 & 15 for women in the forthcoming local body election to be held to Rameshwaram Municipality as seats in those wards were not so far allotted to women by rotation as per Rules 3 and 4 of the Tamil Nadu Town Panchayats Municipalities and Corporations (Delimitations of Wards or Divisions and Reservations) Rules, 1996.

2.We have heard the learned counsel appearing for the petitioner, the learned Additional Advocate General appearing for the respondents 1 to 4 and the learned counsel appearing for the 5th respondent.

3.The grievance of the petitioner is that there was no rotation of reservation of seats for about 20 years. The learned Additional Advocate General would submit that as per Rule 4-A of the Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Corporations (Delimitation of Wards or Divisions and Reservation) Rules, 1996, which was introduced by means of amendment in the year 2006 and notified in the Government Gazette on 01.09.2006 and as per the further amendment made and notified in Government Gazette on 12.09.2016, for insertion of the word "or for women" in Rule 4-A, until the Government direct otherwise, the reservation once made shall be continued to be in force.

4.The petitioner has not challenged the validity of the Rule 4-A. Thus, in our considered view, in the light of the Rule 4-A, the relief sought for by the petitioner cannot be granted. This Writ Petition is, therefore, dismissed. No costs.

Sd/-

Assistant Registrar

/True Copy/



To

1.The Chief Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam, Chennai - 600 106.

2.The Principal Secretary to Government,
Municipal Administration and Water Supply
Department, St. George Fort,
Chennai.

3.The Director,
Municipal Administration and Water Supply
Department, Chepauk,
Chennai.

4.The District Collector,
Ramanathapuram District.

5.The Commissioner,
Municipality Office,
Rameswaram,
Ramanathapuram District.

+1cc to Mr.M.Kannan,Advocate Sr.No. 57413

+1cc to Spl.Government Pleader Sr.No. 57456

JAM/14.10.16/GSV-PM/3p-8c

Order made in
W.P.[MD].No.18028 of 2016
29.09.2016