



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.18589 of 2016

and

W.M.P. (MD) No.13459 of 2016

K.Aruntamilarasu @ Ramar

: Petitioner

Vs.

1.The Government of Tamil Nadu,
Department of Administration and
Water Supply (Election) Department,
Represented through its
Principal Secretary to Government,
Chennai.

2.The State Election Commissioner,
Office of State Election Commissioner,
State of Tamil Nadu,
No.208/2, Jawaharlal Nehru Road,
Opp. CMBT, Arumbakkam,
Chennai.

3.The Urban Local Bodies District Election Officer,
District Collector Office,
Theni District,
Theni.

4.The Deputy Director of Town Panchayath,
Office of Dy. Director of Town Panchayath,
Theni Zone,
Theni.

5.The Executive Officer,
Pannaipuram Town Panchayath,
Uthamapalayam Taluk,
Theni District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to retain the Pannaipuram Town Panchayath Chairman Constituency of Uthamapalayam Taluk, Theni District, as reserved for the Special Category of Scheduled Caste (General) for the forthcoming local body election by considering the representation dated 01.09.2016, within the period stipulated by this Court.



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For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.B.Pugalendhi,
Additional Advocate General,
Assisted by
Mr.R.Karthikeyan,
Additional Government Pleader

O R D E R

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

The petitioner has come up with this Public Interest Litigation seeking a direction to the first respondent to retain the Pannaipuram Town Panchayath Chairman Constituency of Uthamapalayam Taluk, Theni District, as reserved for the Special Category of Scheduled Caste (General) for the forthcoming local body election, by considering his representation dated 01.09.2016.

2. This Writ Petition has come up today for admission. We have heard the learned counsel for the petitioner. Mr.B.Pugalendhi, learned Additional Advocate General, has entered appearance for all the respondents. We have also perused the records carefully.

3. The learned counsel for the petitioner, by referring to the affidavit of the petitioner, would submit that during the last election, one person contested in the said Constituency, by producing a bogus Certificate, thereby, falsely claiming that he belonged to Scheduled Caste. Thus, the opportunity for the petitioner and his Community people to contest the election in the said Constituency was lost. It is for that reason, according to the petitioner, the said Constituency has to be reserved for Scheduled Caste (General).

4. In this regard, we may refer to the Tamil Nadu Town Panchayats Municipalities and Corporations (Delimitation of Wards or Divisions and Reservation) Rules, 1996, which states (vide Rule 5) that the reservation so made shall be followed for two full terms of the offices of Chairman of Town Panchayats and Municipalities and the Mayor and the Mayor of Corporations, namely ten years, and rotated thereafter at every ten years interval based on the next higher percentage of population of respective groups.

5. It is only in accordance with the above said Rule, the Constituency in question has been rotated. Admittedly, this Constituency was reserved for general for ten years and the said term has expired. Therefore, rotation made now cannot be legally found fault with.

6. In such view of the matter, we do not find any merit at all in this Writ Petition. The Writ Petition fails and accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Crl.Side)



To

1. The Principal Secretary to Government,
The Government of Tamil Nadu,
Department of Administration and
Water Supply (Election) Department,
Chennai.
2. The State Election Commissioner,
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Theni.
5. The Executive Officer,
Pannaipuram Town Panchayath,
Uthamapalayam Taluk,
Theni District.

+One cc to Mr.A.HajaMohideen, Advocate, SR.No.56691
+One cc to The Special Government Pleader, SR.No.56651
SML
RL/8C/3P/DB/7.10.2016

Order made in
W.P.[MD].No.18589 of 2016

Dated: 28.09.2016