



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2016

CORAM:

WEB COPY

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

W.P.[MD].No.18606 of 2016
and
W.M.P. (MD)No.13475 of 2016

R.Janarthanan : Petitioner
Vs.

1.The Election Commissioner,
Election Commission of Tamil Nadu,
248, Jawaharlal Nehru Street,
Arumpakkam, Chennai-600 106.

2.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

3.The District Collector -cum-
Inspector of Panchayats,
Tuticorin District, Tuticorin.

4.The Assistant Director of Panchayats,
Tirunelveli.

5.The Executive Officer,
Tiruchendur Special Grade Panchayat,
Tiruchendur-628 215,
Tuticorin District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to allot the Second Ward in Tiruchendur Selection Grade Panchayat, Tuticorin District, by rotation either to the General Category or to a Woman (General) based on the petitioner's representation dated 21.09.2016.

For Petitioner : Mr.C.Ganesh Kumar

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 litigation by way of a Public Interest Litigation seeking a direction to the respondents to allot the Second Ward in Tiruchendur Selection Grade Panchayat, Tuticorin District, by rotation either to the General Category or to a Woman (General), based on his representation dated 21.09.2016.

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

3. According to the petitioner, as of now, Ward No.2 in Tiruchendur Selection Grade Panchayat is reserved for Scheduled Caste.

4. According to the learned Additional Advocate General, the said Ward was reserved so only in the year 2011 and, therefore, as per the Rules, it can be rotated only after ten years.

5. We find force in the above said contention of the learned Additional Advocate General. Since the Rule itself says that rotation shall be made only on the expiry of ten years and since in this case, the Ward in question has been under reservation already only for five years and the same could be retained for another five years, 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(C.O)

/True Copy/

Sub-Assistant Registrar

To

1.The Election Commissioner,
Election Commission of Tamil Nadu,
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Arumpakkam, Chennai-600 106.



2.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

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3.The District Collector -cum-
Inspector of Panchayats,
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4.The Assistant Director of Panchayats,
Tirunelveli.

5.The Executive Officer,
Tiruchendur Special Grade Panchayat,
Tiruchendur-628 215,
Tuticorin District.

+One cc to The Special Government Pleader, SR.No.56652

+One cc to Mr.C.Ganesh Kumar, Advocate, SR.No.56711

SML

RL/8C/3P/AAL/MPA/6.10.2016

Order made in
W.P.[MD].No.18606 of 2016

Dated: 28.09.2016