



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.20440 of 2016

A.Mubarak Ali

: Petitioner

Vs.

1.The Government of Tamil Nadu rep. by
its Principal Secretary,
Department of Local Administration,
Fort St. George, Chennai - 09.

2.Tamil Nadu State Election Commission rep. by
Tamil Nadu State Election Commissioner,
No.208/2, Jawaharlal Nehru Road,
Opp. To CMBT, Arumbakkam,
Chennai - 106.

3.The District Collector,
Trichy District, Trichy.

4.The Commissioner,
Manikandam Panchayat Union,
Manikandam, Srirangam Taluk,
Trichy District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent not to change the post of President of Inam Kulathur Village Panchayat, now under General category, into scheduled caste category within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.R.Karthikeyan,
Additional Government Pleader.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent not to change the category of the post of President of Inam Kulathur Village Panchayat, i.e., from General category, into scheduled caste



category.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3. The case of the petitioner is that the petitioner hails from Inam Kulathur Village Panchayat area. He infers that the post of President of Inam Kulathur Village Panchayat, now under the General Category, is proposed to be changed into Scheduled Caste Category, having regard to the Tamil Nadu Local Bodies Election - 2016. Out of 8250 voters in the said Panchayat, the number of voters belong to Scheduled Caste community will hardly be 1057. Therefore, he sent a representation dated 14.10.2016 to the first respondent, not to change the category of post of President of Inam Kulathur Village Panchayat into scheduled caste category.

4. The learned counsel for the petitioner would submit that it is enough if there is a direction to the respondents to consider the representation of the petitioner, dated 14.10.2016, in the light of Clauses (vii) and (viii) of paragraph No.42 of the order of the Principal Bench of this Court, passed in W.P(MD)No.33984 of 2016, dated 04.10.2016 and the same is extracted here under:

"(vii) The State Election Commission shall consolidate, record and data base the details provided by the candidates in the form of affidavits and upload them in its website.

(viii) The State Government and State Election Commission shall look into and decide about complaints regarding reservation, de-reservation of posts, deletion or addition of genuine eligible voters and enrolment of bogus voters, etc., before conducting the election, after issuance of fresh election notifications".

5. The learned Additional Government Pleader would submit that it is agreeable for the third respondent to consider the representation of the petitioner and to pass appropriate orders within a period of four weeks.

6. Recording the submission made by the learned Additional Government Pleader for the respondents, the third respondent is directed to consider the representation of the petitioner dated 14.10.2016, with reference to the grievance expressed with regard to change of category, in the light of Clauses (vii) and (viii) of paragraph No.42 of the order of the Principal Bench of this Court made in W.P(MD)No.33984 of 2016, dated 04.10.2016 and to pass orders on merits and in accordance with law, within a period of



7. With the above direction, this writ petition is disposed of.
No costs.

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/True copy/

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar

To

1. The Principal Secretary,
Department of Local Administration,
Government of Tamil Nadu,
Fort St. George, Chennai - 09.
2. The Tamil Nadu State Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
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3. The District Collector,
Trichy District, Trichy.
4. The Commissioner,
Manikandam Panchayat Union,
Manikandam, Srirangam Taluk,
Trichy District.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate, SR No.63776

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.64199

ORDER MADE IN
W.P(MD) No.20440 of 2016
25.10.2016

smn

SH/SKS-RR:16.11.2016:2P/7C