



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.21932 of 2016

B.Karthik

... Petitioner

vs.

1) Government of Tamilnadu,
Represented by its Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St.George,
Chennai-600 009.

2) Tamilnadu State Election Commission,
Represented by its State Election Commissioner,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam,
Chennai-600 106.

3) The Commissioner of Rural Development & Panchayatiraj,
Panagal Building, Jeenis Road,
Saidapet, Chennai-600 015.

4) The District Collector,
Virudhunagar District, Virudhunagar.

5) Block Development Officer,
Tiruchuli Panchayat Union,
Tiruchuli, Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Tamilnadu State Election Commission, represented by its State Election Commissioner, the second respondent herein in consultation with the respondents 3 and 4 to consider the representation dated 02.11.2016 given by the petitioner to notify ward 15 of Tiruchuli Union, Virudhunagar District as a general ward on rotation basis under Rule 7 of Tamil Nadu Panchayat (Reservation of seats and Rotation of Reserved seats) Rules 1995 and Section 11 of Tamil Nadu Panchayats Act within a time frame as may be fixed by this Honourable Court.

For Petitioner : Mr.Y.Prakash

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents : Mr.R.Karthikeyan

Additional Government Pleader

**ORDER**

This Writ of Mandamus has been filed, seeking for a direction to the 2nd respondent/Tamilnadu State Election Commission, represented by its State Election Commissioner, in consultation with the respondents 3 and 4, to consider the representation dated 02.11.2016, given by the petitioner, seeking to notify Ward 15 of Tiruchuli Union, Virudhunagar District, as a general ward on rotation basis, under Rule 7 of the Tamil Nadu Panchayat (Reservation of seats and Rotation of Reserved seats) Rules 1995 and Section 11 of Tamil Nadu Panchayats Act within a time frame as may be fixed by this Court.

2.The claim of the petitioner is that Ward 15 of Tiruchuli Union, Virudhunagar District, has been notified as a reserved ward for SC community continuously for a period of 20 years, that is, from 1996 to 2016. Claiming that under Rule 7 of the Tamil Nadu Panchayat (Reservation of seats and Rotation of Reserved seats) Rules 1995 and Section 11 of Tamil Nadu Panchayats Act, the reservation is liable to be changed once in ten years and the reservation has not been changed in this case, a representation has been given by the petitioner to the respondents on 02.11.2016. As there was no response to the said representation, this Writ Petition.

3.The learned Additional Government Pleader appearing for the respondents would submit that the 4th respondent would consider the representation of the petitioner in consultation with the 3rd respondent.

4.Recording the above submission made by the learned Additional Government Pleader, the 4th respondent is directed to consider the representation of the petitioner dated 02.11.2016, and to pass appropriate orders, in consultation with the 3rd respondent, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/
Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar



To

1) The Secretary to Government, Government of Tamilnadu,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai-600 009.

2) The State Election Commissioner,
Tamilnadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam, Chennai-600 106.

3) The Commissioner of Rural Development & Panchayatiraj,
Panagal Building, Jeenis Road, Saidapet, Chennai-600 015.

4) The District Collector,
Virudhunagar District, Virudhunagar.

5) Block Development Officer,
Tiruchuli Panchayat Union, Tiruchuli, Virudhunagar District.

+1cc to M/s.Y.Prakash, Advocate, in SR No.69725.

+1cc to Special Government Pleader in SR.No.69762.

W.P(MD)No.21932 of 2016
16.11.2016

nbi

msm/mpa/sar3/28.11.16/p3/8c(IT)