



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 24.11.2016

WEB COPY

C O R A M
THE HONOURABLE DR.JUSTICE S.VIMALA
Writ Petition (MD) No.22557 of 2016

V.Ammasikani

.. Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep by its Principal Secretary,
Department of Rural Development and Panchayat Raj,
Secretariat, Chennai - 9.
- 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,
O/o. District Collector,
Virudhunagar District.
- 4.The Commissioner/Block Development Officer,
Rajapalayam Union,
Virudhunagar District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents to de-reserve the South Devadanam Village Panchayat Rajapalayam Union Virudhunagar District which is reserved for Schedule Caste and declare the same as General Turn Constituency in the upcoming Tamil Nadu Local Body Election in accordance with the Tamil Nadu Panchayats (Reservation of Seats and Rotation of Reserved Seats) Rules 1995 within the time period stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mr.A.Muthukaruppan Additional Government Pleader

O R D E R

This is a writ of Mandamus seeking direction to the Respondents to de-reserve the South Devadanam Village Panchayat Rajapalayam Union Virudhunagar District, which is reserved for Schedule Caste and declare the same as General Turn Constituency in the upcoming Tamil Nadu Local Body Election in accordance with the Tamil Nadu Panchayats (Reservation of Seats and Rotation of Reserved Seats) Rules, 1995 within a stipulated time.

<https://hcservices.ecourts.gov.in/hcservices/>
2. The learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The case of the petitioner is that there are 36 Village Panchayats in Rajapalayam Union, Virudhunagar District. The respondent have announced the South Devadanam Village Panchayat as

reserved for Schedule Caste Candidate, which is totally unlawful and against the Rule 7 of the Tamil Nadu Panchayat (Reservation of Seats & Rotation of Reserved Seats) Rules, 1995.

3.1.The grievance of the petitioner is that when the Rule clearly contemplates that the Village Panchayats should be arranged in a descending order on the basis of the Schedule Caste Population, the respondents have to follow the same. But in respect of Rajapalayam Union, Virudhunagar District, no such methodology defined in the above stated Rule has been followed. Hence, the present writ petition.

4.The learned counsel for the petitioner would submit that the said village must be reserved for general category in the Tamil Nadu Local Body Election and so stating the petitioner has given a representation, dated 09.11.2016, to the respondents.

5.Under such circumstances, the third respondent is directed to consider the representation of the petitioner, dated 09.11.2016 and to pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

- 1.Principal Secretary,
State of Tamil Nadu,
Department of Rural Development and Panchayat Raj,
Secretariat,
Chennai - 9.
- 2.Tamil Nadu State Election Commissioner,
Tamil Nadu State Election Commission,
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- 4.The Commissioner/Block Development Officer,
Rajapalayam Union,
Virudhunagar District.

+1 cc to MR.T.LAJAPATHI ROY, ADVOCATE, SR.NO:72776

+1cc to SPECIAL GOVERNMENT PLEADER, SR.NO:72691