



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2016

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CORAM:

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

W.P.[MD].Nos.11095, 10992, 10784, 10736, 11156 and 11228 of 2011
and
M.P. (MD) Nos.2,2,1,2,1, 2 and 3 of 2011

W.P. (MD) No.11095 of 2011:

P.M.Jalali

: Petitioner

Vs.

- 1.Government of Tamil Nadu,
rep. through its Principal Secretary,
Municipal Administration and Water
Supply (Election) Department,
Fort St. George,
Chennai-9.
- 2.Commissioner of Municipal Administration,
Municipal Administration Department,
Ezhilagam Annex, 6th Floor,
Chepauk, Chennai-600 005.
- 3.Tamil Nadu State Election Commission,
Rep. thro its Secretary,
No.208/2, Jawaharlal Nehru Road,
Opp-CMBT,
Arumbakkam,
Chennai-106.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent's notification in G.O.Ms.No.137, Municipal Administration and Water Supply (Election), dated 12.09.2011 and to quash the election notification in respect of Schedule II - Municipalities, column 4 serial number 1 Kayalpattinam in Tuticorin District and direct the respondents to notify the Kayalpattinam Municipal constituency as per the provisions contemplated under Article 243-T of the Constitution of India and the Rule 5 of the Tamil Nadu Panchayat, Municipalities and Corporations (Delimitation of Wards or Divisions and Reservation) Rules, 1996



before conducting 2011 local body election for the chairmen post of the Kayalpattinam Municipality in Tuticorin District.

For Petitioner : No Appearance

For Respondents : Mr.M.Govindan,
Special Government Pleader

W.P. (MD) No.10992 of 2011:

Thiruthangal Town Residents Welfare Association,
rep. by its President M.Samuel : Petitioner

Vs.

1.The Government of Tamil Nadu,
rep. by its Principal Secretary,
Municipal Administration and Water
Supply (Election) Department,
Fort St. George,
Chennai-600 009.

2.The Commissioner of Municipal Administration,
Ezhilagam Building,
Chepauk,
Chennai-600 005.

3.The Election Commissioner,
Tamil Nadu State Election Commission,
100 Feet Road, Opp. to C.M.B.T.,
Chennai. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Government Order in G.O.Ms.No.137 with consequential notification dated 12.09.2011 passed by the first respondent with regard to categorizing the petitioner's Thiruthangal Municipality as "General Women" for the forthcoming local body election 2011 and quash the same and consequently, direct the first respondent to categorize the petitioner's Thiruthangal Municipality either as General or Schedule Caste Women on rotational basis.

For Petitioner : No Appearance

For Respondents : Mr.M.Govindan,
Special Government Pleader

**W.P. (MD) No.10784 of 2011:**

S.Balakrishnasamy

: Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and Water
Supply (Election) Department,
Government of Tamil Nadu,
Fort St. George,
Chennai.

2.The Commissioner of Municipal Administration,
Chennai-600 005.

3.The Secretary,
Tamil Nadu State Election Commission,
Chennai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring that the proviso to Sub Rule 2 of Rule 5 of Tamil Nadu Panchayats and Municipalities and Corporations (Delimitation of Wards or Divisions and Reservation) Rules, 1996 amended vide G.O.(Ms) No.124, dated 07.09.2011, read with G.O.Ms.No.137, dated 12.09.2011 issued by the first respondent in so far as it relates to the office of Chairperson of Virudhunagar Municipality is concerned are illegal and ultra-virus the provisions of Tamil Nadu District Municipalities Act, 1920 and consequently, direct the respondents to treat the post of Chairperson of Virudhunagar Municipality under the general category.

For Petitioner : No Appearance

For Respondents : Mr.M.Govindan,
Special Government Pleader

W.P. (MD) No.10736 of 2011:

A.Kaja Mohideen

: Petitioner

Vs.

1.Government of Tamil Nadu,
Fort St. George, Chennai-9,
Through its Principal Secretary,
Municipal Administration and
Water Supply (Election) Department.

2.The Commissioner of Municipal Administration,
Chennai-5.



3. Tamil Nadu State Election Commission,
Through its Secretary,
Chenani-26.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in G.O.(Ms)No.124 (Municipal Administration and Water Supply (Election) Department, dated 07.09.2011 and to quash the proviso to sub-rule 2 of Rule 5 of the Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Corporations (Delimitation of Wards or Divisions and Reservations) Rules, 1996 and consequently direct the respondents to conduct the election of Chairperson to the Municipalities of 1.Ambasamudiram, 2.Kadayanallur, 3.Tenkasi and 4.Vikramasingapuram allotting it to general/open candidates.

[Prayer amended as per the order of this Court dated 22.09.2011 in M.P. (MD)No.3 of 2011].

For Petitioner : No Appearance

For Respondents : Mr.M.Govindan,
Special Government Pleader

W.P. (MD)No.11156 of 2011:

Abudakir

: Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and
Water Supply (Election) Department,
Government of Tamil Nadu,
Fort St. George,
Chennai.

2.The Commissioner of Municipal Administration,
Chennai-600 005.

3.The Secretary,
Tamil Nadu State Election Commission,
Chenani.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring that the proviso to under Sections (5)(6) and (7) of Section 7 of Tamil Nadu District Municipalities Act, 1920 read with Sub Rule 4 of Rule 4 of Tamil Nadu Town Panchayats and Municipalities and Corporations (Delimitation of Wards or Divisions and Reservation) Rules, 1996 amended vide G.O.(Ms)No.124, dated 07.09.2011, read with G.O.Ms.No.137, dated 12.09.2011 issued by the first



respondent in so far as it relates to the office of Municipal Counselor Ward No.38 of Pudukottai Municipality is concerned are illegal and ultra-virus the provisions of Tamil Nadu District Municipalities Act, 1920 and consequently, direct the respondents to treat the post of Municipal Counselor Ward No.38 of Pudukottai Municipality under the general category.

For Petitioner : No Appearance

For Respondents : Mr.M.Govindan,
Special Government Pleader

W.P. (MD) No.11228 of 2011:

K.Paulraj : Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and
Water Supply (Election) Department,
Secretariat,
Fort St. George,
Chennai-9.

2.The Director,
Municipal Administration and
Water Supply (Election) Department,
Ezilagam, Chepauk,
Chennai-5.

3.The Commissioner,
Puliyangudi Municipality,
Sivagiri Taluk,
Tirunelveli District.

4.The State Election Commissioner,
Government of Tamil Nadu,
State Election Commission,
Koyambedu,
Chennai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in connection with the impugned G.O.Ms.No.137/2011, dated 12.09.2011 issued by the first respondent for conduct the Puliyangudi Municipality election October, 2011 and quash the same as illegal, arbitrary, ultra virus, void and consequently, direct the first respondent to earmark the Puliyangudi Municipality as reserved for SC community and to be filled up the same in a fair



and transparent a manner and also to conduct existing Puliyangudi Municipality Chairman post within the time limit that may be stipulated by this Court.

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For Petitioner : No Appearance

For Respondents 1,2&4 : Mr.M.Govindan,
Special Government Pleader

C O M M O N O R D E R

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

All the Writ Petitions have become infructuous and as such, the Writ Petitions are dismissed as infructuous. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/
Assistant Registrar(Writs)

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Sub Assistant Registrar

To

1. The Principal Secretary,
Government of Tamil Nadu,
Municipal Administration and Water
Supply (Election) Department,
Fort St. George,
Chennai-9.
- 2.The Commissioner of Municipal Administration,
Municipal Administration Department,
Ezhilagam Annex, 6th Floor,
Chepauk, Chennai-600 005.
- 3.The Secretary,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opp-CMBT,
Arumbakkam,
Chennai-106.
- 4.The Election Commissioner,
Tamil Nadu State Election Commission,
100 Feet Road, Opp. to C.M.B.T.,
Chennai.



5.The Director,
Municipal Administration and
Water Supply (Election) Department,
Ezilagam,
Chennai-5.

6.The Commissioner,
Puliyangudi Municipality,
Sivagiri Taluk,
Tirunelveli District.

+1cc to M/s.A.Haja Mohideen, Advocate, in SR No.62745.

Common Order made in
W.P.[MD].Nos.11095, 10992, 10784, 10736,
11156 and 11228 of 2011
Dated: 21.10.2016

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msm/em-mpa/09.11.16/p7/8c