

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.26450 of 2017

T.S.Karthikeyan

.. Petitioner

Vs.

1. The State Election Commission,
Rep. by its Secretary,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam,
Chennai-600 106.
 2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George,
Chennai-600 009.
 3. The Commissioner of Municipal Administration,
Chepauk,
Chennai-600 005.
 4. The District Collector,
Thanjavur District,
Thanjavur.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second and third respondents to pass appropriate orders for de-reserving Ward No.4 of Thanjavur City Municipal Corporation Council by cancelling the women reservation and to adopt proper rotation to conduct Local Body Election in respect of Ward No.4 in General Category or any other reserved category by considering the representation submitted by the petitioner, dated 03.04.2017, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Diwakar, Spl.G.P.

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the second

and third respondents to pass appropriate orders for de-reserving Ward No.4 of Thanjavur City Municipal Corporation Council by cancelling the women reservation and to adopt proper rotation to conduct Local Body Election in respect of Ward No.4 in General Category or any other reserved category by considering the representation submitted by the petitioner, dated 03.04.2017, within a time frame to be fixed by this Court.

2. It is the case of the petitioner who resides in Ward No.4 of Thanjavur Municipal Corporation that when the Local Body Election was notified in Tamil Nadu in the year 2016, Ward No.4 has been reserved for women category. It is the grievance of the petitioner that Ward No.4 was reserved for women category for a period of ten years in the Local Body Elections conducted from 1996-2006 and it is again reserved for women category in the year 2016 with meagre margin of 82 excess female voters. In Thanjavur Corporation, out of total 51 Wards, in 34 Wards, there are excess female voters, which is not being considered for reservation for women category, which shows that there is no proper reservation of categories being adopted by the respondents for conducting Local Body Election. Hence, the petitioner made a representation to the first respondent on 06.03.2017 seeking to de-reserve women category reservation of Ward 4 of Thanjavur Corporation and to allocate the women category to some other Wards more deserving, for which, the first respondent replied on 14.03.2017 stating that the allocation of reservation and division of categories vest with the Government, and the same had been notified in the Government Gazette of Thanjavur District and hence, the request of the petitioner is not within the zone of consideration of the first respondent and hence, the first respondent forwarded the representation to the third respondent for necessary action. Thereafter, the petitioner made a representation to all the respondents on 03.04.2017 stating that Ward No.4 has been repeatedly reserved for women category, whereas 34 other Wards are having excess voters of women, in which 25 Wards have never been reserved with women category and requested for adopting proper rotation by cancelling the reservation for women in Ward No.4 and to conduct the Election for Ward No.4 in General or other categories. Since the said representation is still pending with the respondents, the petitioner has filed this Writ Petition for the relief stated supra.

3. Heard both sides and perused the materials available on record.

4. Taking into consideration the above facts and circumstances of the case, without going into the merits of the claim made by the petitioner, this Court hereby directs the second and third respondents to consider the said representation of the petitioner, dated 03.04.2017, and hear the

petitioner and other persons who are likely to be affected and thereafter dispose of the said representation, by passing 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. While disposing of such representation, the second and third respondents are directed to take into account the above said communication dated 14.03.2017 of the first respondent, stating that the representation of the petitioner had been forwarded to the third respondent for necessary action.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

cs

sd/

ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

To

1. The Secretary, State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam,
Chennai-600 106.
2. The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George,
Chennai-600 009.
3. The Commissioner of Municipal Administration,
Chepauk,
Chennai-600 005.
4. The District Collector,
Thanjavur District,
Thanjavur.

+1CC to Govt Pleader SR.NO.76746

+1CC to Mr.G.SANKARAN, Advocate SR.NO.76555

W.P.No.26450 of 2017

SVI [CO]

MK:20/11/2017