

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE  
AND  
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.2679 of 2017

S.Sugumar

.. Petitioner

Vs.

1. The State Election Commission,  
No.208/2, Jawaharlal Road,  
Arumbakkam, Chennai - 600 106.
2. The Principal Secretary to Government  
of Tamil Nadu,  
Rural Development and Panchayat  
Administration Department,  
Secretariat, Fort St. George,  
Chennai - 600 009.
3. The Director of Rural Development,  
Panagal Building,  
Saidapet,  
Chennai - 600 015.
4. The District Collector,  
Thiruvallur District,  
Thiruvallur.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records relating to impugned order vide R.C. No.58487/ 2016/P.E. dated 30.11.2016 on the file of the 3rd respondent herein and to quash the same and consequently direct the 3rd respondent to reserve the office of the Village Panchayat President of petitioner Village Melakkondaiyur Village, Thiruvallur Block and District to the General Category in ensuing Tamil Nadu Local Body Elections by strictly adhering to the descending order of percentage of population of respective categories of communities at concerned Village Panchayat Level on rotation basis as per Rule 7 of Tamil Nadu Panchayats (Reservation of Seats and Rotation of Reserved Seats) Rules 1995.

For Petitioner : Mr.D.Murthy  
For Respondents : Mr.B.Nedunchezian  
for 1<sup>st</sup> respondent  
  
Mr.R.Vijayakumar  
Addl. Government Pleader  
for respondents 2 to 4

ORDER

(Order of the Court was made by the Acting Chief Justice)

The petitioner has filed this writ petition seeking to quash impugned order dated 30.11.2016 passed by the third respondent and consequently, direct the third respondent to reserve the office of Village Panchayat President of Melakkondaiyur village, Thiruvallur Block to the General category in ensuing Tamil Nadu Local Body Elections by adhering to the descending order of percentage of population of respective categories of communities at concerned Village Panchayat Level on rotation basis as per Rule 7 of Tamil Nadu Panchayats (Reservation of Seats and Rotation of Reserved Seats) Rules, 1995.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The grievance of the petitioner is that even though the Tamil Nadu Panchayats (Reservation of Seats) Rules, 1995 mandates that reservation of seats of offices of President of Village Panchayats etc. shall be on rotation basis and the rotation shall be on the basis of descending order of percentage of population of respective categories of communities at various levels, the third respondent erred in miscalculating the population at Union level.

4. Pursuant to the notice issued, the learned Government Pleader entered appearance and filed a counter-affidavit, wherein it is categorically stated that reservation for Scheduled Castes is made as per the statutory provisions. Moreover, the details of rotation have been clearly spelt out.

5. We are of the view that there is no public interest involved in this writ petition. Even prior to his filing the writ petition, he ought to have gathered information as to year wise allotment of seat and the rotation system followed, which is crystal clear from the counter-affidavit.

6. For the foregoing reasons, we are not inclined to entertain the writ petition and the same is dismissed. No costs. However, it is for the respondent authorities to take note of the averments made in the affidavit filed in support of the writ petition and deal with the matter in accordance with law.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

1. The State Election Commission,  
No.208/2, Jawaharlal Road,  
Arumbakkam, Chennai - 600 106.
2. The Principal Secretary to Government of Tamil Nadu,  
Rural Development and Panchayat Administration Department,  
Secretariat, Fort St. George, Chennai - 600 009.
3. The Director of Rural Development,  
Panagal Building,  
Saidapet, Chennai - 600 015.
4. The District Collector,  
Thiruvallur District, Thiruvallur.

+lcc to Mr.D.Murthy, Advocate Sr.17427  
+lcc to Mr.B.Nedunchezhiyan, Advocate Sr.17902  
+lcc to the Government Pleader Sr.17606

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