

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.38837 of 2016

Naga. Rajendran .. Petitioner
Vs.

1. The Director,
Directorate of Rural Development and
Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 15.
2. The District Collector,
Collectorate,
Thiruvarur & District. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned proceedings, Rc. No.64111/2016/PE dated 26.10.2016 and consequently to direct the respondents to reserve the Edaiyur Councilor, Muthupet Panchayat Union, Thiruvarur District for the Scheduled Caste in view of Rule 7 of the Tamil Nadu Panchayats (Reservation of Seats and Rotation of Reserved Seats) Rules 1995.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader
for respondents 1 and 2

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 26.10.2016 passed by the first respondent and consequently to direct the respondents to reserve Edaiyur Councilor Muthupet Panchayat Union, Thiruvarur District for the Scheduled Caste in view of Rule 7 of the Tamil Nadu Panchayats (Reservation of Seats and Rotation of Reserved Seats) Rules, 1995.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. It is the case of the petitioner that Edaiyur Panchayat consists nearly 50% of Scheduled Caste population. But for the past 25 years, the Ward did not reserve for Scheduled Caste people and so far no rotation was followed by the respondents. On 14.09.2016, the petitioner sent representation to the State Election Commission and the District Collector requesting them to take action to reserve the Ward for Scheduled Caste. The said representation was forwarded by the State Election Commission to the first respondent. Since no action was taken on the representation, the petitioner filed W.P.No.36714 of 2016. By order dated 20.10.2016, this Court directed the first respondent to take necessary action in this behalf within a week of receipt of the copy of the order. Pursuant to the direction, the first respondent has passed the impugned order rejecting the request of the petitioner. Challenging the same, the petitioner has filed the present writ petition seeking the relief stated supra.

4. The second respondent has filed the counter-affidavit stating that Muthupettai Panchayat Union consists of 15 Panchayat Union Wards and 5 Wards (Ward Nos.9,10,11,6 and 8) have been reserved for Scheduled Caste, which have higher proportion of Scheduled Caste population in Muthupettai Panchayat Union area and continue to be reserved for Schedule Caste for the ensuing Elections, 2016. As per the existing Rule 7(2), the seats (Wards) reserved for Scheduled Caste and Scheduled Tribes in the Wards of the Panchayat Union shall continue to be reserved as such, until the Government direct otherwise. As per the Act and Rules, the Panchayat Union Ward No.7 (Edaiyur Village Panchayat) has continued to be General for the ensuing Local Body Elections, 2016. The reservation was made in accordance with the statutory provisions in respect of Panchayat Union Wards in Muthupettai Panchayat Union and the same was informed to the petitioner. In this writ petition, the

petitioner has challenged the position of reservation intimated to him. Reservation of seats and offices for Women, Scheduled Castes and Scheduled Tribes in Village Panchayats, Panchayat Unions and District Panchayats in the entire State is being carried out as per Census 2011 population. The Government of Tamil Nadu has fully abide by the Constitution of India and provide reservation of seats and offices to Women, Scheduled Castes and Scheduled Tribes and there is no violation of Constitutional directives. Hence, prays for dismissal of the writ petition.

5. The learned counsel for the petitioner submits that the first respondent is duty bound to rotate the reservation as per law. But in the present case it was not done. He further submits that the object of rule of reservation is not only to give jobs and education but also to uplift them and facilitate them to secure proper place in the society. The respondent authorities have failed to follow Section 20 of the Tamil Nadu Panchayat Act, 1994.

6. The learned Additional Government Pleader submits that as per the Tamil Nadu Panchayats Act, 1994 and Tamil Nadu Panchayats (Reservation of Seats and Rotation of Reserved Seats) Rules, 1995, the Panchayat Union Ward No.7 (Edayur Village Panchayat) continues to be General for the ensuing Local Body Elections. He further submits that the above position of reservation was made in accordance with the statutory provisions in respect of Panchayat Union Ward in Muthupettai Panchayat Union.

7. The authorities after taking note of the facts that Muthupettai Panchayat Union has 15 Panchayat Union Wards, considered the total population of the Panchayat Union, the total Scheduled Caste population, the proportion of Scheduled Caste population, held that the seat relating to Panchayat Union Ward No.7 continues to be General for the ensuing Local Body Election.

8. We find no illegality or irregularity in the procedure adopted by the respondent authorities.

9. The writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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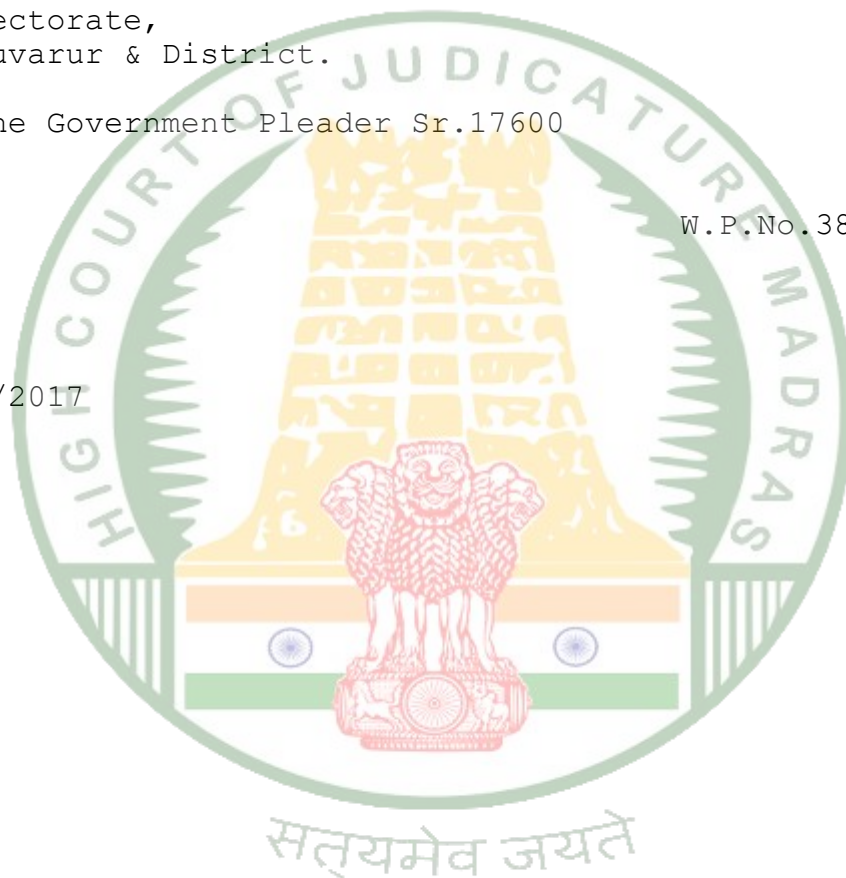
To:

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+1cc to the Government Pleader Sr.17600

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