



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)No.3984 of 2017

and

W.M.P(MD)Nos.3169 & 3170 of 2017

Mohamed Adbul Kather

.. Petitioner

Vs.

1.The Principal Secretary,
Municipal Administration and Water Supply,
Fort St. George, Chennai.

2.The Chief Election Commissioner,
Fort St. George, Chennai.

3.The District Collector,
Thoothukudi District,
Thoothukudi.

.. Respondents

[The second respondent is exonerated
from this writ petition vide order
dated 21.04.2017]

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Government Letter No. 313A/Election/2017-1, dated 08.02.2017 passed by the respondent No.1 and quash the same as illegal and consequently direct the respondents to notify the Kayalpattinam Municipality as common ward for the post of the Chairman for the tenure between 2017-2022.

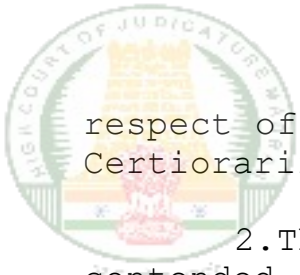
For Petitioner : Mr.S.M.A.Jinnah

For RR 1 & 3 : Mr.R.Karthikeyan,
Additional Government Pleader.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the impugned order in Government Letter No.313A/Election/2017-1, dated 08.02.2017 passed by the first respondent and quash the same in



respect of Kayalpattinam Municipality, by way of issuing a Writ of Certiorarified Mandamus.

2.The learned counsel appearing for the petitioner has contended to the effect that the Chairman post of Kayalpattinam Municipality, last term, has been reserved for women and now the first respondent by way of notification dated 08.02.2017 has reserved the same for women. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.

3.The learned Additional Government Pleader appearing for the respondents 1 and 3 has befittingly drawn the attention of the Court to Rule 5 of the Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Corporations (Delimitation of Wards or Divisions and Reservation) Rules, 1996, wherein it is stated like thus:-

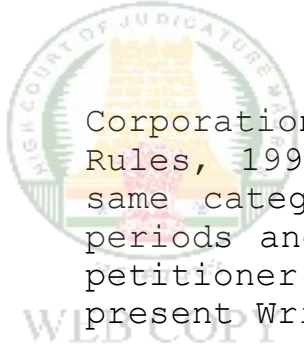
"5.Reservation of office of Chairman or Mayor in a (Town Panchayats, Third Grade Municipalities), Municipality or Corporation:- [(1)] The Government shall, by notification, reserve for persons belonging to Scheduled Casts and Scheduled Tribes and for women, the offices of Chairman of [Town Panchayats, Third Grade Municipality] and Municipalities and the Mayor of Corporations required to be reserved under the Act, based on their highest percentage of population in the Town Panchayats, Municipalities and Corporations, as the case may be.

(2) The reservation so made shall be followed for two full terms of the offices of Chairman of Town Panchayat and Municipalities and the Mayor of Corporations, namely ten years and rotated thereafter at every ten years interval based on the next higher percentage of population of respective groups".

4.From a mere reading of Rule 5(2) of the Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Corporations (Delimitation of Wards or Divisions and Reservation) Rules, 1996, it is made clear that the Government is having prerogative power to retain the same reservation for two consecutive periods.

5.The main gravamen expressed on the side of the petitioner is that for the second time, the Chairman post of Kayalpattinam Municipality has been reserved for women.

6.As noted down earlier, as per Rule 5(2) of the Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and



Corporations (Delimitation of Wards or Divisions and Reservation) Rules, 1996, the Government is having enormous power to keep the same category in the matter of reservation for two consecutive periods and therefore, the contention put forth on the side of the petitioner is totally baseless. Under the said circumstances, the present Writ Petition deserves to be dismissed.

7. In fine, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Municipal Administration and Water Supply,
Fort St. George,
Chennai.

2. The District Collector,
Thoothukudi District,
Thoothukudi.

+1cc to Mr. S.M.A. Jinnah, Advocate in SR.No.60734

ps

AE/RSK/SAR2/27.06.2017/3P/4C

**ORDER MADE IN
W.P (MD) No.3984 of 2017
16.06.2017**