



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.21931 of 2016

A.Muthu Kannan

... Petitioner

-vs-

1. Government of Tamilnadu,
Rep. by its Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai-600 009.
2. Tamilnadu State Election Commission,
Rep. by its State Election Commissioner,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam, Chennai-600 106.
3. The Commissioner of Rural Development & Panchayatiraj,
Panagal Building, Jeenis Road,
Saidapet, Chennai-600 015.
4. The District Collector,
Virudhunagar District,
Virudhunagar.
5. Block Development Officer,
Tiruchuli Panchayat Union,
Tiruchuli,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Tamil nadu State Election Commission represented by its State Election Commissioner the second respondent herein in consultation with the respondents 3 and 4 to consider the representation dated 02.11.2016 given by the petitioner to reserve K.Vagaikulam Panchayat of Trichuli Union virudhunagar District as Schedule Caste constituency for the post of President under Rule 7 of Tamil Nadu Panchayat (Reservation of seats and Rotation of Reserved Seats) Rules 1995 Section 11 of Tamil Nadu Panchayats Act within a time frame as may be fixed by this Court.



For Petitioner

: Mr.A.V.Arun

For R1 to R4

: Mr.Rajakarthikeyan

Addl. Govt. Pleader

For R5

: Mr.Aayiram K.Selvakumar

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O R D E R

This writ petition has been filed, seeking to direct the Tamil Nadu State Election Commission represented by its State Election Commissioner the second respondent herein in consultation with the respondents 3 and 4 to consider the representation dated 02.11.2016 given by the petitioner to reserve K.Vagaikulam Panchayat of Trichuli Union, virudhunagar District as Schedule Caste constituency for the post of President under Rule 7 of Tamil Nadu Panchayat (Reservation of seats and Rotation of Reserved Seats) Rules 1995 Section 11 of Tamil Nadu Panchayats Act within a time frame as may be fixed by this Court.

2. Heard the learned counsel for the parties.

3. The case of the petitioner is that he, who is a resident of K.Vagaikulam Village Panchayat belongs to Scheduled Caste community and the petitioner has decided to contest in the local body election for the post of Village President, but to his shock, a notification was issued by the Government reserving the said Village Panchayat as a General Constituency. Aggrieved by the same, the petitioner has submitted a representation dated 02.11.2016 to the respondents for reservation of K.Vagaikulam Panchayat of Trichuli Union as Scheduled Caste Constituency. Since the said representation did not evoke any response, the petitioner is before this Court with the above prayer.

4. Under such circumstances, this Court, without going into the merits of the case, directs the respondent Nos.2 & 4 to consider the representation of the petitioner dated 02.11.2016 and after affording an opportunity of hearing to the petitioner, pass appropriate orders thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, based on the statistical data available with the respondents.

5. It is made clear that while passing orders on the representation, the new Act No.10 of 2016, vide which, Section 28-AAA of the Tamil Nadu Panchayats Act, 1994 was inserted, shall be taken into consideration. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/



To:

1. The Secretary to Government,
Government of Tamilnadu,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai-600 009.
2. The State Election Commissioner,
Tamilnadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
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3. The Commissioner of Rural Development & Panchayatiraj,
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4. The District Collector,
Virudhunagar District,
Virudhunagar.
5. Block Development Officer,
Tiruchuli Panchayat Union,
Tiruchuli,
Virudhunagar District.

+ 1 CC TO Mr.A.V.ARUN, ADVOCATE IN SR No. 70096

RM.AR

TE/JC/SAR-I : 16/08/2017 : 3P/7C

W.P (MD) No.21931 of 2016

03.08.2017

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