

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2018

CORAM

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No. 21263 of 2006 and

M.P.No.2 of 2006

Pechipparai Village Panchayat,
Represented by its President
S.Rajan,
Tiruvattar Panchayat Union,
Kanyakumari District.

..Petitioner

Vs.

1. The State of Tamil Nadu,
Secretary to Government,
Rural Development Department,
Fort St. George,
Chennai - 9.
2. The District Election Officer and
District Collector, Nagercoil,
Kanyakumari District.
3. The Director of Census Operations,
Tamil Nadu E-Wing, III Floor,
Rajaji Bhawan, Besant Nagar,
Chennai - 90.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to carry out necessary verification and correction in Census of India 2001 Report, Kanyakumari District in respect of discrepancy in ST population in Pechipparai and Surulakkodu Village Panchayat by considering the report submitted by the second respondent in Proceedings in Z1/34327/2006/dated 30.05.2006 forthwith.

For Petitioner : Mr.S. Kamadevan

For Respondents 1&2 : Mr.R.Govindasamy
Special Government Pleader

For Respondent - 3 : Mr.N. Rajan,
Government Standing Counsel

O R D E R

The petitioner has filed this writ petition seeking a direction to the third respondent to carry out necessary verification and correction in Census of India 2001 Report, Kanyakumari District in respect of discrepancy in ST population in Pechipparai and Surulacode Village Panchayat by

considering the report submitted by the second respondent in Proceedings in Z1/34327/2006/dated 30.05.2006 forthwith.

2. The case of the petitioner is that he is a resident of Pechiparai Village located in the hill side and there are number of Scheduled Tribes living within the Panchayat. There are 40 hamlets within the Pechiparai Village Panchayat. Out of 40 hamlets, the Scheduled Tribes are living in 26 hamlets. The total population of Scheduled Tribes was 1449 as per the census report in the year 1991. However, census has been conducted by the Director of Census Operations, Tamil Nadu E-Wing for the year 2001 and the same was published in primary census Abstract 2001, in which, the total population of Scheduled Tribes is noted as 203. Whereas, while entering the data in the Census Report 2001, it has been wrongly entered, as if, the Pechiparai Village Panchayat is having Scheduled Tribe population of 203 and the Surulacode Village Panchayat is having Scheduled Tribe population of 2172. The above said mistake was brought to the notice of the Authorities. It was mentioned in the District Election Officer order, dated 30.05.2006 as third reference. After receipt of the representation on 30.05.2006, the District Election Officer and District Collector, Kanyakumari District, issued direction to the concerned authorities to carry out necessary verification and correction if needed, and the same has to be undertaken earlier. However, being not satisfied with the order, the present writ petition has been filed.

3. The third respondent filed counter affidavit stating that the third respondent department is not collecting Census data separately for each hamlet in the Villages. The minimum level of data available in Census is at Village level and not hamlets. The location of Code Statement showing the list of Villages along with their Constituent Panchayat for each Taluk, sent by this Directorate was verified and got certified by the Development Officer and also by the Tahsildar concerned. As per the location Code Statement, Pechipparai Village Panchayat has two Village segments viz., Thiruparappu and Surulacode i.e., a portion of Thiruparappu Revenue Village and a portion of Surulacode Revenue Village are coming under Pechipparai Village Panchayat. The Charge Register prepared by the Charge Officer (Tahsildar) in which the Enumeration Blocks were carved out to assign specific areas to the Enumerators for field work. Accordingly, Thiruparappu Revenue Village was divided into 5 EB's and 5 Enumerators were appointed by the Charge Officer for the conduct of field work. Similarly, the Surulacode Revenue Village was divided into 3 EB's and 3 Enumerators were appointed for field work. Based on the Charge Register certified by the Charge Officer, the field work was done and the combined figure of Pechipparai Village Panchayat (a portion of Thiruparappu Revenue Village and a portion of Surulacode Revenue Village) was compiled and published. Accordingly, the population of Pechipparai Village Panchayat is 6398 and ST Population is 203.

4. The third respondent denied the averments of the petitioner that mistake was committed in ST Population at Surulacode Village Panchayat by the Director while entering the data Census in the year 2001. The ST Population of Pechipparai Village Panchayat as furnished by the Charge Officer are as follows:

Sl.Nos .	Name of the Village Panchayat	Census 1991 S.T.Population	Census 2001 S.T.Population
1.	Pechipparai Village Panchayat	1449	203
2.	Surulacode Village Panchayat	75	2172

5. The third respondent ascertained the ST Population and figures were combined correctly as per the Census record furnished by the Charge Officer and mistake was not done either by way of oversight or by way of wrong entry. Apart from that, on receipt of the representation, the said representation was considered by the third respondent and the same was conveyed through the second respondent.

6. The representation of the petitioner forwarded by the second respondent was received by the Directorate on 05.06.2006. The NIT was scrutinized and suggestions and views were sent to the Office of the Registrar General, India, New Delhi (Head Office) for getting suitable instructions to act upon this matter. Accordingly, a reply was received from the Registrar General, India, New Delhi and the same was informed to the second respondent vide Office Lr.No.III/35/2006-CEN (P) dated 25.07.2006.

7. Apart from above facts, after a lapse of ten years, I do not find any merit in this writ petition and nothing survives for further adjudication, in view of the counter filed by the third respondent. In view of the above, I am not inclined to grant any relief to the petitioner.

8. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

msm

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

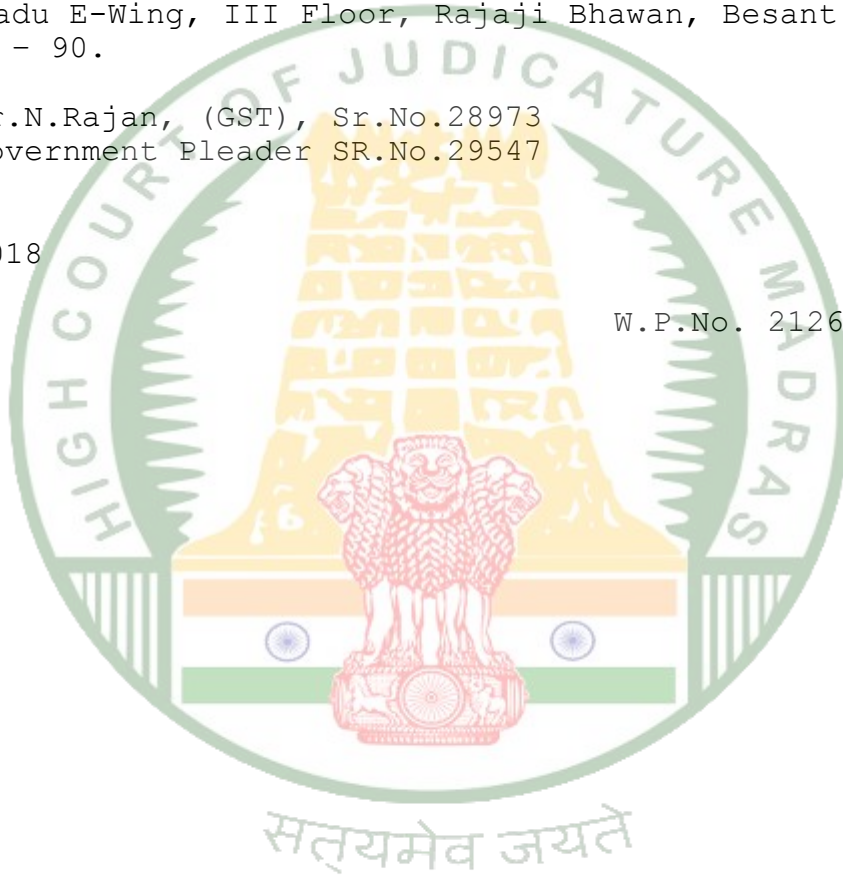
To:

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2. The District Election Officer and
District Collector, Nagercoil, Kanyakumari District.
3. The Director of Census Operations,
Tamil Nadu E-Wing, III Floor, Rajaji Bhawan, Besant Nagar,
Chennai - 90.

+1cc to Mr.N.Rajan, (GST), Sr.No.28973
+1cc to Government Pleader SR.No.29547

SVI (CO)
sm:11.6.2018

W.P.No. 21263 of 2006
1/2



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