

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.01.2019

CORAM
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
W.P.No.22040 of 2011
and M.P.No.1 of 2011

G.Dhanavel

..Petitioner

vs.

1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Secretary,
Government of Tamil Nadu,
Rural Development and Panchayat,
Rai Department, secretariat,
Chennai-600 009.

3.The State Election Commissioner,
No.208/2, Jawaharlal Nehru Salai,
Arumbakkam, Chennai-600 106.

4.The District Election Commissioner,
Ariyalur District, Ariyalur.

5.The District Collector,
Ariyalur District, Ariyalur.

.. Respondents

Prayer.: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus direction to the 5th respondent to dispose of petitioner representation dated 20.09.2011.

For Petitioner : A.Ramesh Manikandan

For R1 to R3 : Mr.A.Zahir Hussain
Government Advocate

O R D E R

This writ petition has been filed by the petitioner praying to issue a writ of Mandamus directing the 5th respondent to dispose of the petitioner's representation dated 20.09.2011.

2. According to the learned counsel for the petitioner, the petitioner has given a representation dated 20.09.2011, to the respondent by stating that vide notification dated 02.09.2006,

Karkudi Village Panchayat was reserved for Scheduled Tribes and the president was selected for the Karkudi Village Panchayat and subsequently, the said post was dissolved by the 5th respondent and since the tenure of five years was expired by virtue of notification issued by the Government and the Special Officer has been appointed. But, till date no welfare measure has been carried out for the welfare of the people of the said Village Panchayat. The 5th respondent has not considered the petitioner's representation. Hence, the petitioner has filed the present writ petition before this Court.

3. On perusal of the counter affidavit, as per the G.O.Ms.No.142 RD (C2) dated 07.08.1995 the reservation can be changed only after the expiry of 10 years. The Karkudi village panchayat was reserved for ST(G) by notification dated 02.09.2006 and the same was expired 10 years. Therefore, the petitioner's representation cannot be considered.

4. It is seen that the G.O.Ms.No.142, RD (C2), Dept., dated 07.08.1995, the change in reserve for the post of Panchayat president could be changed only after the expiry of 10 years period from the date of notification i.e., after 02.09.2016. Further the writ petition has been filed during the year 2011 and still 5 more years to reach the date of expiry period namely 02.09.2006.

5. Considering the subsequent event that the said ten years period has also expired, nothing remains for further adjudication in this writ petition. Hence the writ petition is dismissed. If at all the petitioner is having any grievances it is always open to him to approach the concerned Forum. No cost. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssi/kkd

To

1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Secretary,
Government of Tamil Nadu,
Rural Development and Panchayat,
Rai Department, secretariat,
Chennai-600 009.

3.The State Election Commissioner,
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Arumbakkam, Chennai-600 106.

4.The District Election Commissioner,
Ariyalur District, Ariyalur.

5.The District Collector,
Ariyalur District, Ariyalur.

+1cc to the Government Pleader, S.R.No.6494

W.P.No.22040 of 2011
and M.P.No.1 of 2011

PVS (CO)

rrs 11/03/2019