

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 04.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.23742, 23174 & 23175 of 2005
and
W.M.P.Nos.25907, 25278 & 25280 of 2005

Mr.T.Nageswara Rao ...Petitioner in
W.P.No.23742 of 2005

A.V.Sreedharan ...Petitioner in W.P.Nos.
23174 & 23175 of 2005

Vs

1.The Chairman,
Delimitation Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi - 110 001.

2.The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi - 110 001.

...1st and 2nd respondents
in all WPs

3.The Chief Election Officer,
Election Department,
Union Territory of Pondicherry,
Pondicherry - 1.

4.Union of India,
Rep by the Chief Secretary
to Government,
Gubert Salai,
Pondicherry - 1.

...3rd and 4th respondents in
W.P.Nos.23174 & 23175 of 2005

PRAYER in W.P.No.23742 of 2005: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, call for the records relating to the order of the 1st respondent as notified in the notification No.E2/2005(Vol.VI)-178 Pondicherry dated 31.03.2005

as published in the gazette of Pondicherry dated 31.03.2005 and quash the same and consequently direct the 1st respondent to consider the suggestion and representation made to reserve the Yanam Constituency for the scheduled caste and thereafter pass an order as required under section 9 and 10 of the Delimitation Act, 2002.

PRAYER in W.P.No.23174 of 2005: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents 2 to 4 to constitute a fresh Delimitation Commission strictly in accordance with the provisions of the Government of Union Territories Act, 1963 and pass fresh orders with respect to the readjustment and delimitation of the parliamentary and legislative constituencies in the Union Territory of Pondicherry.

PRAYER in W.P.No.23175 of 2005: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the first respondent comprised in its order bearing No.282/Pond/2004-Vol.III dated 31.03.2005 and quash the same as unconstitutional and illegal and consequently direct the second and third respondents to conduct the forthcoming parliamentary and legislative assembly elections in the year 2006 or earlier in accordance with the delimitation of constituencies as it substituted prior to the passing of the impugned order.

For Petitioners : Mr.S.Saravanan
in W.P.No.23742 of 2005
No Appearance
in W.P.Nos.23174 & 23175 of 2005

For Respondents : Mr.K.S.Jeyaganesan, SPC
for R1 & R2
in all W.Ps

Mr.Stalin Abhimanyu, GP(P)
for R3 & R4
in W.P.Nos.23174 & 23175 of 2005

O R D E R

The issue involved in all these writ petitions are predominantly one of the same. In view of the constitutional power under Article 329 A, delimitation commission cannot proceed on the basis of 2001 Census. Article 82 of the Constitution of India also provides that until the relevant figures for the

first census taken after the year 2026 has been published, it shall not be necessary for re-adjustments. In view of these provisions, the prayer sought for in the writ petitions cannot be considered at this point of time.

2. Hence, the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

jas/hvk

To

- 1.The Chairman,
The Delimitation Commission of India,
Nirvachan Sadhan, Ashoka Road,
New Delhi - 110 001.
- 2.The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.
- 3.The Chief Election Officer,
Election Department,
Union Territory of Pondicherry, Pondicherry - 1.
- 4.The Chief Secretary to Government,
Union of India, Gubert Salai, Pondicherry - 1.

+3 cc's to M/s.GR Associates, Advocate, Sr.No. 33704,33703,33713
+1 cc to The Government Pleader, (Puducherry) Sr.No. 33614

W.P.Nos.23742, 23174 & 23175 of 2005
and

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CSL/19.06.2019

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