

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2019

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3303 of 2019

M.Bhavani

... Appellant

vs.

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2.The Secretary,
Rural Development cum Village Panchayats,
Fort St. George,
Chennai.

3.The Commissioner,
Tamilnadu State Election Commission,
Koyambedu, Chennai,
Tamilnadu.

4.The Revenue Divisional Officer,
Chengalpet,
Kanchipuram District.

5.The District Revenue Officer,
Kanchipuram,
Kanchipuram District.

... Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 19.8.2019 passed in W.P.No.4636 of 2018 on the file of this Court.

Prayer in WP No.4636 of 2018 : To issue a writ of Certiarified mandamus, calling for records relating to the impugned order of the 1st respondent in his Na.Ka. No.524/ 2018/ pece2/ dated 05.02.2018 and quash the same as highly illegal and consequentially direct the respondents to allot General woman category for the post of President in the Nenmeli Panchayat in the forthcoming elections which is the next category with next larger to the population in the panchayat as per the proviso to rule 7(1) of Tamilnadu Panchayats (Reservation of Seats and rotation of Reserved seats) Rules 1995 vide G.O.MS. No.142 Rural Development C-2 department dated 07.08.1995

For Appellant : Mr.K.S.Ilangovan

For Respondents : Mr.J.Pothiraj
Spl. Government Pleader

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. The grievance raised is about the reservation of the office of the President of Panchayat on the ground that it is not in accordance with the Tamil Nadu Panchayats (Reservation of Seats and rotation of Reserved Seats) Rules, 1995.

3. Learned counsel for the State, at the very out set, informs the Court that for the purpose of elections which have now been notified, a development took place with bifurcation and trifurcation of four of the Districts in the State, including the District of Kancheepuram to which District the present dispute relates to, and therefore on account of this, certain limitation/de-limitation issues have cropped up which are undergoing the process and pending such process, a notification has been issued by the Government putting in abeyance any such exercise in between and therefore, at this stage the status of reservation of the office of the President of the Panchayat in question has not attained finality and is subject to any change on account of the aforesaid process.

4. In the wake of the aforesaid stand taken by the State, the impugned judgment therefore would not in any way affect the appellant in raising any future challenge in the event re-organisation takes place by limitation of the roster of reservation.

5. The appeal is consigned to records with the said observation without prejudice to the rights of the appellant to raise the issue in future. No costs. Consequently, C.M.P.No.21188 of 2019 is closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Kanchipuram District,
Kanchipuram.
- 2.The Secretary,
Rural Development cum Village Panchayats,
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Chennai.
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- 5.The District Revenue Officer,
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W.A.No.3303 of 2019

RSV(CO)
GMY(30/01/2020)

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