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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.07.2019

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.22239 of 2017

V.T.Dhanajeyan

... Petitioner

Vs.

- 1.Government of Tamilnadu,
Rep. by the Secretary to Government,
Municipal Administration and Water
Supply Department, Secretariat,
Chennai - 600 009.
- 2.Tamilnadu State Election Commission,
Rep. by Tamilnadu State Election Commission
No.208/2, Jawaharlal Nehru Road,
Opp. to Koyambedu, Arumbakkam,
Chennai - 600 106.
- 3.District Collector,
Kanchipuram District,
Kanchipuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondents to consider the petitioner's representation dated 06.03.2017 relating to restoration of "General" Category of the post of the President of Vandalur Village Panchayat in Kattankulathur Panchayat Union, in Kanchipuram District, by recalling the category of "Adi-Dravidar (Women) within a reasonable time to be fixed by this Court, before the notification for local body election.

For petitioner .. Mr.C.Mahendran

For R1 and R3 .. Mr.R.Vijayakumar
Additional Government Pleader

For R2 .. Mr.B.Nedunchezian



ORDER

(Order of the Court was made by S.MANIKUMAR,J)

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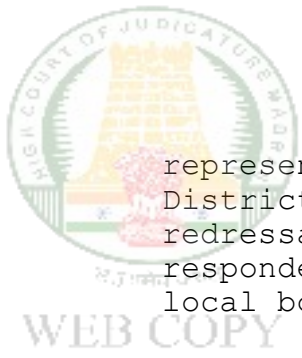
Claiming himself to be a public interest litigant, petitioner has filed the instant writ petition, for a Writ of Mandamus, directing the respondents, to consider his representation dated 06.03.2017, relating to restoration of "General" Category of the post of the President of Vandalur Village Panchayat, Kattankulathur Panchayat Union, Kanchipuram District, by recalling the category of "Adi-Dravidar (Women), within a reasonable time to be fixed by this Court, before the notification for local body election.

2. Supporting the prayer sought for, petitioner has contended that Vandalur is a Village Panchayat, situated within the limit of Kattankulathur Panchayat Union, Kanchipuram District and that there are 16392 voters in the said Village, as per the voters list published, for the local body election scheduled to be held in October, 2016. But the same was not held.

3. Petitioner has further contended that out of 16392 total voters, 14353 are General Voters (out of which 8243 are women); 1651 are Scheduled Caste voters (out of which 852 are women) and 388 (out of which 209 are women), are Scheduled Tribe Voters. Therefore, the percentage of General Voters, is 87.56%; Scheduled Caste 10.07% and Scheduled Tribe, is 2.36%.

4. Petitioner has further contended that in Vandalur Panchayat, there are 15 Panchayat Wards and 2 Panchayat Union Wards. Based on the percentage of voters, the post of President of Vandalur Village Panchayat and Panchayat Union Ward Members, have been categorized as "General" in the local body elections held in the years 1996, 2001, 2006 and 2011, respectively. But ignoring the existing number of general voters, the said post was reserved for Scheduled Caste (Women), for the local body election, scheduled to be held in October, 2016. Total number of Scheduled Caste (Women) voters, are only 852 which is 5.19% out of total voters.

5. Petitioner has further contended that aggrieved by the abovesaid decision, alongwith the villagers, petitioner has sent a representation dated 06.03.2017 to the Secretary to the Government, Rural Development and Panchayat Raj Department, Chennai/the 1st respondent herein, requesting to revoke the abovesaid decision and to restore the category to "General" from Adi-Dravidar (Women), for the post of President of Vandalur Village Panchayat. Petitioner has also submitted a



representation to the District Collector, Kanchipuram District/the 3rd respondent herein, during the grievance redressal day, held on 06.03.2017, with the same request. But respondents did not consider the same, despite postponement of local body election.

6. Petitioner has further contended that when the general voters, are 87.56% and the Scheduled Caste Voters, are 10.07%, only that too the Scheduled Caste Women Voters, are only 5.19%, it is neither proper nor just, to reserve the seat of President of Vandalur Village Panchayat for "Adi-Dravidar (Women)". Hence, it is just and necessary, to cancel the said reservation and allotment by rotation and to restore it to the earlier category of "General". He further contended that, now the local body election, is expected to be notified. Hence, petitioner has filed the instant writ petition, for the prayer stated supra.

7. Petitioner has sent a representation, dated 06.03.2017, to the Secretary to the Government, Rural Development and Panchayat Raj Department, Chennai, the 1st respondent herein, and the same is extracted hereunder:-

From 06.03.2017

V.T.Dhananjeyan
Village Public,
Vandalur Panchayat,
Kattankulathur Panchayat Union,
Kanchipuram District.

To

The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai - 9.

Respected Sir,

Sub: Local body Election - Kanchipuram District -
Kattankulathur Panchayat Union - Vandalur Panchayat -
Election to the post of Panchayat President -
Requesting to change the category as "General" - Reg.

The total voters in Vandalur Panchayat within Kattankulathur Panchayat Union are 16852, out of which the following are details of Male, Female Voters in General and Scheduled Caste Category:

	Total	General	Scheduled Caste	Scheduled Tribe
Male	8145	7167	799	179
Female	8243	7182	852	209
Transgender	4	4		



Total 16392 14353 1651 388

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There are 15 Panchayat Wards and Two Panchayat Union Wards.

During the local body elections held in 1996, 2001, 2006, 2011, the post of Panchayat President and Panchayat Union Wards were "General" category. But, for the election scheduled to have been held in 2016, it was announced that the post of Panchayat President was reserved as "Scheduled Caste - Women".

But, there is not change in the General category for the posts of Panchayat Union Ward Committee Members and the same is continuing.

The total voters in Vandalur Panchayat are 16392, out which the total voters belonging to Scheduled Caste is 1651 only. Its percentage is 10.07%.

It is not proper to reserve and allot the post of village Panchayat President to Scheduled Caste (Adi-Dravidar) which has only 10.07 percentage of votes.

Now the post of Village Panchayat President is only reserved for Adi-Dravidar. But the posts of Panchayat union Ward Committee Members are continuing the General category only, from 1996.

Hence, kindly consider our request to revoke the present reservation category of Scheduled Caste (Adi-Dravidar) and to restore to the General category.

Yours sincerely,

Sd/-

V.T.Dhananjeyan

V.Punniyakotti

A.Ilayaperumal

S.Sathyanarayanan

S.Purushotaman

8. Denying the abovesaid averments, District Collector, Kanchipuram District/the 3rd respondent herein, has filed a counter affidavit dated, 05.09.2017 and the same reads thus:-

(i) It is submitted that there are 16392 Voters in Vandalur Village as per the Voters List published on 19.09.2016 for the Local Body Election proposed to be held in October 2016.

(ii) It is submitted that out of 16392 Total Voters, 14353 are General Voters (out of which 7182 are Women); 1651 are Scheduled Caste Voters (out of which 852 are women) and 388 (out of which 209 are women) are Scheduled Tribe Voters. Therefore, the



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percentage of General Voters is 87.56%, Scheduled Caste 10.07% and Scheduled Tribe is 2.37%.

(iii) It is submitted that the petitioner's contention that the reservation had been made on the basis of voters is wrong. But it has been made based on Population as per census of 2011, published by the Directorate of Census operations.

(iv) It is submitted that post of Village Panchayat President is not reserved based on the percentage of Voters of a Single Panchayat. However, as per Section 57 of the Tamil Nadu Panchayat Act, 1994 and Tamil Nadu Panchayats (Reservation of Seats and Rotation of Reserved seats) Rule, 1995, the reservations are made on the latest population based on the proportion of the population of the Scheduled Caste, Scheduled Tribe and Women as per Census 2011. As such the reservation for the Election proposed to be held in October 2016 was not made on the basis of the voters, as stated by the petitioner.

The proportion of Population of Vandalur Panchayat as per 2011 Census is as follows:-

Name of the Panchayat	Total Population as per 2011 Census.	Total Schedule Caste Population as per 2011 Census	Proportion of Schedule Caste Population
Vandalur	16852	1564	9.280%

All reservations have been made as per the Tamil Nadu Panchayat Act, 1994, and Tamil Nadu Panchayat (Reservation of Seats and Rotation of Reserved Seats) Rules, 1995, after observing the due norms prescribed under Rotation and Reservation Rules. No deviation has been made. Complying with the request of the petitioner will lead to violation of Tamil Nadu Panchayat (Reservation of Seats and Rotation of Reserved Seats) Rules 1995.

(v) It is submitted that the representation of the petitioner was considered and rejected by the 3rd respondent as complying with the request of the petitioner would lead to violation of Tamil Nadu Panchayat (Reservation of Seats and Rotation of Reserved Seats) Rules, 1995. The same has been informed to the petitioner vide this office letter Rc.No.3906/2017/P.C.2, dated 10.03.2017.

(vi) It is submitted that as per Section 57 of the Tamil Nadu Panchayat Act, 1994, and Tamil Nadu Panchayats (Reservation of Seats and Rotation of Reserved Seats) Rule 1995, the reservations are made



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based on the population of the Scheduled Caste, Scheduled Tribe and Women as per recent Census and it was not made on the basis of the voters.

(vii) It is submitted that the representation of the petitioner was considered and rejected, as complying with the request of the petitioner would lead to violation of Tamilnadu Panchayat (Reservation of Seats and Rotation of Reserved Seats) Rules 1995. The same has been informed to the petitioner vide this office letter Rc.No.3906/2017/P.C.2, dated 10.03.2017. It is also further submitted that the representation of the petitioner cannot be complied with since any change in the present reservation will lead to violation of Reservation Rules. All reservations have been made as per the Tamil Nadu Panchayat Act 1994, and Tamil Nadu Panchayat (Reservation of Seats and Rotation of Reserved Seats) Rules 1995, after observing the due norms prescribed under Rotation and Reservation Rules. No deviation has been made. Complying with the request of the petitioner will lead to violation of Rotation and Reservation Rules 1995.

(viii) It is submitted that the Vandalur Village Panchayat comes under the jurisdiction of Kattankolathur Panchayat Union. The total number of Village Panchayats in Kattakolathur Panchayat Union including Vandalur Village Panchayat is 39. The number of Panchayats to be reserved for the village Panchayat President Post for SC/ST is fixed, taking into account the percentage of population of SC/ST against the total population of the Panchayat Union as a whole, as per current Census. Accordingly, the reservation made to Village Panchayats in Kattankolathur Panchayat Union as per the proportion of the population of Scheduled Caste, Scheduled Tribe and Women populations as per Census in 2011, data is detailed below:-

The working sheet for the reservation of Seats to the posts of Village Panchayat President in Kattankolathur Panchayat Union

1	Name of the Panchayat Unions (PU)					Kattankolathur
2	Total No. of Village Panchayat in the Panchayat Union.					39
3	Total Population of the PU as per 2011 census.					208897



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1	Name of the Panchayat Unions (PU)					Kattankolathur
4	Total ST Population of the PU to Total Population.					4422
5	Total SC Population of the PU to Total Population.					55630
6	Percentage of ST Population to Total population.					2.11683
7	Percentage of SC Population to Total population					26.630
8	Total No. of Village Panchayat President reserved for ST (Total No. of Offices x % of ST Population) (Col 6 x 2)	39	x	2.11683	0.82556	1.00
9	a. No. reserved for ST Women (Not below 1/2 of SI.No.8)	1	x	0.5	0.5	1.00
	b. No. reserved for ST General (Sl.No.8-9a)	1	-	0.5	1	0.00
10	Total No. of Village Panchayat President reserved for SC (Total No. of Offices x % of SC Population)	39	x	26.360	10.38583608	10.00
	Reservation for Village Panchayat President - ABSTRACT					

As evident from the above details out of the total 39 panchayats in Kattankolathur Panchayat Union, the number of Panchayat reserved for Scheduled Caste as per proportionate population is only 10.

The reservations for SC were made by adopting the following procedures;



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The Panchayats which have not been reserved for SC for the past 4 elections i.e. 1996, 2001, 2006 and 2011 are given first priority for reservation as SC/ST Panchayats. The Village Panchayats are arranged in the descending order of their percentage of SC/ST population to their total population and among these Panchayats, those which have not been reserved for SC/ST for the last two elections are given second priority for reservation as SC/ST, after exhausting the first priority.

(ix) It is submitted that in Kattankolathur Panchayat Union there are 10 Panchayats which have not been reserved for SC for the last 1996, 2001, 2006 and 2011 elections which are now reserved for SC. Details are as follows:-

Sl. No.	Name of the Panchayat	Reservation made in 1996 Election	Reservation made in 2001 Election	Reservation made in 2006 Election	Reservation made in 2011 Election	Reservation to be made for 2016 Election (Proposed in October 2016)
1	2	3	4	5	6	7
1	Alapakkam	G	G	G	G	SC
2	Kayarambedu	G	G	G	G	SC
3	Thiruvadisoolam	G	G	G	G	SC
4	Vandalur	G	G	G	G	SC
5	Chettipunyam	G	G	G (W)	G (W)	SC
6	Kondamangalam	G	G	G	G	SC
7	Nallambakkam	G (W)	G (W)	G	G	SC



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Sl. No.	Name of the Panchayat	Reserva tion made in 1996 Electio n	Reservat ion made in 2001 Election	Reservat ion made in 2006 Election	Reservat ion made in 2011 Election	Rese rvat ion to be made for 2016 Elec tion (Pro pose d in Octo ber 2016)
8	Periyaputh eri	G	G	ST (G)	ST (G)	SC
9	Urapakkam	G (W)	G (W)	G	G	SC
10	Veerapuram	G	G	G (W)	G (W)	SC

(x) It is stated that, as per post of Village Panchayat President of Vandalur Village Panchayat has remained "General" during the past four Elections conducted previously in 1996, 2001, 2006 and 2011. As per the Tamil Nadu Panchayat Act 1994, and Tamilnadu Panchayat (Reservation of Seats and Rotation of Reserved Seats) Rules 1995, now it has been reserved for SC (Women) category for the ensuring Rules local body Elections 2016.

Therefore, the request of the petitioner cannot be considered as it will violate the provisions contained in Tamilnadu Panchayats Act 1994, and the Tamil Nadu Panchayats (Reservation of Seats and Rotation of Reserved Seats) Rules, 1995."

9. Heard the learned counsel for the parties and perused the materials available on record.

10. District Collector, Kancheepuram District, in his counter affidavit has explained as to how the post of Village Panchayat is reserved for Scheduled Caste (Women). No reply is filed. Reasons assigned cannot be said to be arbitrary, warranting intervention.



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11. In view of the above, writ petition is dismissed. No Costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
Government of Tamilnadu,
Municipal Administration and Water
Supply Department, Secretariat,
Chennai - 600 009.
 2. Tamilnadu State Election Commissioner,
Tamilnadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opp. to Koyambedu, Arumbakkam,
Chennai - 600 106.
 3. The District Collector,
Kanchipuram District,
Kanchipuram.
- +1 CC to Govt. Pleader sr 60266.
+1 CC to Mr.B.Nedunchezian, Advocate sr 60846

W.P.No.22239 of 2017

RV(CO)
SP(19/08/2019)