

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

WP.NO.32413 OF 2019

S.Swaminathan

... Petitioner

Vs

1. The District Collector,
Collectorate,
Nagapattinam District.

2. Commissioner of Municipal Administration,
6th floor, Ezhilagam Annexe Building,
Chepauk, Chennai - 600 005.

3. The Commissioner
Municipal Office,
Nagapattinam District.

... Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents to consider the representation dated 21.10.2019 and to modify the area of Municipal ward by including Lakshmi Nagar area in the ward No.13 instead of ward No.11 of Nagapattinam Municipality.

For Petitioner : Mr. K.M.Subramanian

COMMON ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner claims to be a resident of Lakshmi Nagar, South Palpanaicherry, Nagapattinam District and according to him, the places in which he is residing is covered under Ward no.11 of Nagapattinam Municipality and on account of the recent delimitation exercise, Ward no.11 has been trifurcated into Ward nos.11, 12 and 13 and as a consequence, they have to travel nearly 12 kms. to meet the elected representatives and that apart, it is also affecting the Fundamental Rights of the petitioner.

2. The learned counsel appearing for the petitioner would submit that the petitioner in this regard has submitted a representation dated 09.07.2019 to the official respondents and since no response is forthcoming, also approached the 1st respondent, who in turn sent a communication dated 18.07.2019 in Na.Ka.No.11517/2019/G1 to the Personal Assistant to the District Collector (Election) and Development, Nagapattinam and to respond to the said communication, similarly the 2nd respondent has also sent a communication dated 30.07.2019 in Na.Ka.No.23617/2016/Election to the 3rd respondent to act on the legal notice sent on behalf of the petitioner and informed the same to him as well as copy marked to the office and despite a lapse of four months, no action has been taken to redress the grievance, therefore, the petitioners are constrained to approach this Court by filing these Writ Petitions.

3. This Court has considered the arguments advanced by the learned counsel appearing for the petitioner and also perused the materials placed before it.

4. During the course of arguments, this Court has put a specific question to the learned counsel for the petitioner as to the specific infraction / violation of the statutory rules which affects the rights of the petitioner and except a pleading on account of trifurcation of Ward, the petitioner and other residents are put to inconvenience as they have to travel nearly 2 kms. to avail benefits and to meet the elected representative, the learned counsel for the petitioner is unable to point out any infraction of statutory rules / guidelines.

5. Be that as it may, in the light of the communication of the 2nd respondent dated 30.07.2019 in Na.Ka.No.23617/2016 / Election addressed to the 3rd respondent, the 3rd respondent, in compliance of the said direction, shall act accordingly and inform the decision taken, to the petitioner with a copy marked to the office of the 2nd respondent within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner and liberty is also given to the petitioner to invoke the provisions of Right to Information Act to know about the fate of his representation.

6. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sk

To

1. The District Collector,
Collectorate,
Nagapattinam District.
2. Commissioner of Municipal Administration,
6th floor, Ezhilagam Annexe Building,
Chepauk, Chennai - 600 005.
3. The Commissioner
Municipal Office,
Nagapattinam District.

+1cc to Mr.P.Srinivas, Advocate, S.R.No.96462

+1cc to Mr.K.M.Subramanian, Advocate, S.R.No.96456

+1cc to Mr.M.Venugopal, Advocate, S.R.No.95810

+1cc to Government Pleader, in sr.no.96557

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CA (CO)
CS/17/12/2019



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