

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2019

CORAM :

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No.33636 of 2019

D.Rusendra Kumar, State
Secretary, Puratchi Bharatham ...Petitioner

Vs

The Commissioner, Tamilnadu
State Election Commission,
No.208/2, Jawaharlal Nehru Salai,
Arumbakkam, Chennai-106. ...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 08.11.2019 and take action for notifying local body elections only after ensuring reservation of seats for schedule caste and schedule tribe in accordance with the provisions of the Tamil Nadu Panchayat (Reservation of Seats and Rotation of Reserved Seats) Rules, 1995.

For Petitioner: Mr.G.Peramaiyan
For Respondent: Mr.B.Nedunchezhiyan

ORDER

Mr.B.Nedunchezhiyan, learned Standing Counsel accepts notice for the respondent. Heard both.

2. The petitioner seeks a direction to the respondent to consider his representation, by which, the petitioner would state that the elections to the local bodies can be announced only after ensuring reservation of seats to scheduled caste and scheduled tribe in accordance with the provisions of the Tamil Nadu Panchayat (Reservation of Seats and Rotation of Reserved Seats) Rules, 1995.

3. Admittedly, the election notification has already been issued and Code of Conduct has come into force in respect of the elections to local bodies. The Tamil Nadu State Election Commission issued a paper publication to the effect that elections to the urban local bodies will be announced shortly. Furthermore, the petitioner has not mentioned as to in which panchayat, the reservation has not been followed. The averments set out in the affidavit in support of the writ petition are

vague. Apart from that, only the Tamil Nadu State Election Commission is made as a party and the proper parties were not made as parties to the writ petition. Since the election has already been notified and the process has commenced, no interference can be made by way of filing the writ petition.

4. Accordingly, the above writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

RS

To

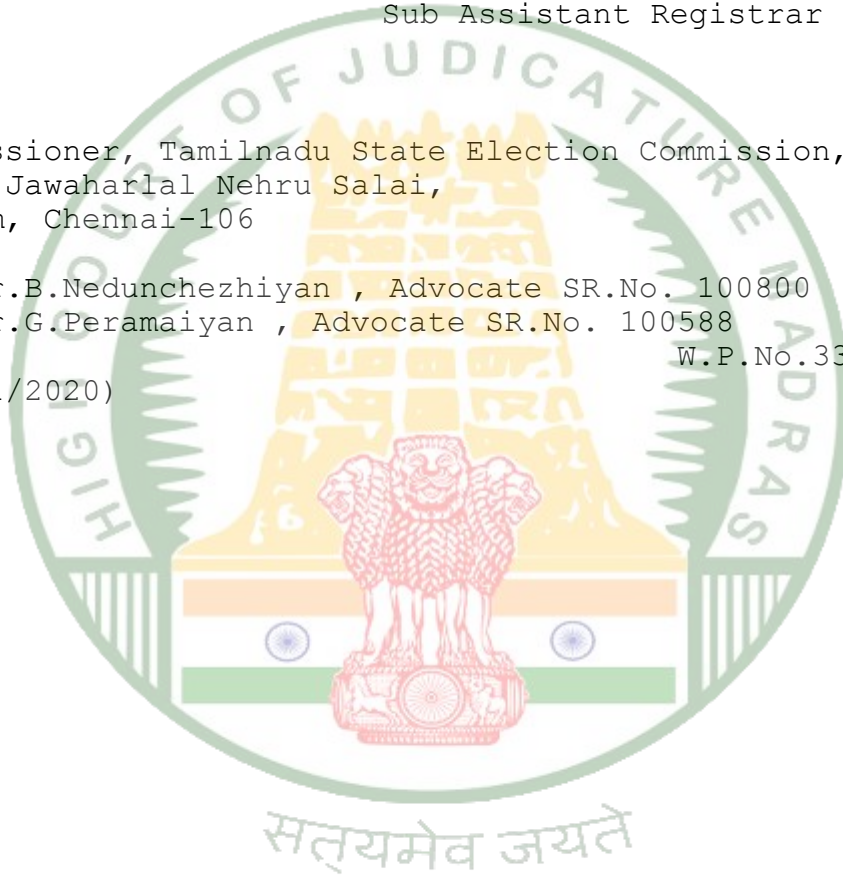
The Commissioner, Tamilnadu State Election Commission,
No.208/2, Jawaharlal Nehru Salai,
Arumbakkam, Chennai-106

+1cc to Mr.B.Nedunchezhiyan , Advocate SR.No. 100800

+1cc to Mr.G.Peramaiyan , Advocate SR.No. 100588

W.P.No.33636 of 2019

A.SK(10/01/2020)



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