

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO.33716 OF 2019

&

WMP.NOS.34181 & 34182 OF 2019

P.Venkatesan

...Petitioner

Vs

1. The Commissioner, Greater Chennai Corporation, Chennai-3.
2. The Assistant Revenue Officer, Revenue Department, Greater Chennai Corporation, Chennai-3.
3. The Executive Engineer, Revenue Department, Greater Chennai Corporation, Chennai-3.
4. The Zonal Officer, Zone-II (Manali), No.127, Padasalai Street, Manali, Chennai-68.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in impugned notification No.VI(2)/46(d)/2019 dated 24.5.2019 issued by the first respondent, quash the same and consequently direct the fourth respondent to club ward No.17 along with ward No.19 and declare it as general (general) instead of ladies (general).

For Petitioner : Ms.B.Sharmila

For Respondents : Ms.Karthika Ashok

ORDER

Ms.Karthika Ashok, learned Standing Counsel accepts notice for respondents. Heard both.

2. The petitioner seeks to quash the notification dated 24.5.2018 issued by the first respondent and to direct the fourth respondent to club ward No.17 along with ward No.19 and declare it as general (general) instead of ladies (general).

3. The reason for approaching this Court is on account of the fact that the petitioner is unable to contest the election because the ward has been assigned for the category - ladies (general).

4. The learned counsel for the petitioner, after elaborately going through the impugned notification, submits that the impugned notification does not disclose the manner regarding identification of the seats, which shall be reserved for scheduled caste and for women and the manner, in which, the seats shall be rotated as per the recommendations made by the Delimitation Committee.

5. The learned counsel for the petitioner has referred to Rule 8 of the Tamil Nadu Local Bodies Delimitation Regulations, 2017, which deals with the process of delimitation and submits that the procedure under the said Rules was not followed before issuing the impugned notification. It is further submitted that as of now, ward No.17 consists of only 3899 voters, out of which, there are 1871 male voters and 2028 female voters and consequently, the voters in ward No.17 are very low and this is in contravention of the Chennai City Municipal Corporation Act. It is further submitted that the petitioner submitted his objections as early as 06.6.2016, but the same has not yet been considered and therefore, the petitioner is before this Court.

6. Ms.Karthika Ashok, learned Standing Counsel, who has accepted notice for the respondents, submits that the delimitation exercise has been completed by taking into consideration 2011 census and at this stage, the question of interfering with the impugned notification may not arise. The learned Standing Counsel also submits that the election notification for the urban local bodies is to be issued shortly.

7. After hearing the learned counsel for the parties, this Court is of the considered view that no relief can be granted to the petitioner. Admittedly, the population as per 2011 census has been taken for undertaking the delimitation process. Therefore, the petitioner would not be justified in referring to the population as on date to buttress his case. Since the delimitation process is already over, the wards were classified as 'general wards' or 'reserved wards' and at this juncture, the question of interfering with the impugned notification may not arise. For the above reasons, the prayer sought for cannot be granted.

8. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected WMPs are also dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

RS

To

1. The Commissioner, Greater Chennai Corporation, Chennai-3.
2. The Assistant Revenue Officer, Revenue Department, Greater Chennai Corporation, Chennai-3.
3. The Executive Engineer, Revenue Department, Greater Chennai Corporation, Chennai-3.
4. The Zonal Officer, Zone-II (Manali), No.127, Padasalai Street, Manali, Chennai-68.

+1cc to Mr.S.Veeraraghavan, Advocate, S.R.No.101322

+1cc to Ms.Karthika Ashok, Advocate, S.R.No.140794

WP.No.33716 of 2019 &
WMP.Nos.34181 & 34182 of 2019

KJ(CO)
CS/13/01/2020

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