



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD)No.20668 of 2019

V.Perinbanathan

... Petitioner

Vs.

1.The Delimitation Commission Chairman,
The Tamil Nadu State Election Commissioner,
Jawaharlal Nehru Road, Koyambedu,
Chennai-600 106.

2.The Director of Rural Development and Panchayat Raj,
Panagal Maligai, 4th Floor, Abdul Razzak Street,
West Saidapet, Chennai-600 015.

3.The District Delimitation Authority / District Collector,
Office of the District Collector,
Dindigul District.

4.The Executive Officer,
Ammayanayakkanur Town Panchayat,
Ammanayakkanur,
Dindigul District.

..Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondents to include ward Nos.10, 11 and 12 of Ammapatti Village with Mavuthampatti Village and Sangarapuram Village by considering the representation of the petitioner and his village people dated 30.12.2017 and 12.01.2018 in accordance with Rule 4(2) of Tamil Nadu Panchayat (Fixation of Strength of Members and Division of Wards) Rules, 1995 and the Regulation Nos.5, 6 and 8 of Tamil Nadu Local Bodies Delimitation Regulations, 2017 within the period stipulated by this Court by considering the representation given by the petitioner and his village people dated 30.12.2017, 12.01.2018, 05.02.2018, 06.02.2018, within the period stipulated by this Court.



For Petitioner : Mr.N.Sathish Babu
For R1 : Mr.D.Shanmugaraja Sethupathi
For R2 and R3 : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.A.K.Basakara Pandian
Special Government Pleader
For R4 : Mr.S.Dhayalan

ORDER

[Order of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.N.Sathish Babu, learned counsel for the petitioner, D.Shanmugaraja Sethupathi, learned counsel for the first respondent, Mr.K.Chellapandian, learned Additional Advocate General assisted by Mr.A.K.Basakara Pandian, learned Special Government Pleader, for respondents 2 and 3 and Mr.S.Dhayalan, learned counsel for the fourth respondent. By consent on either side, this writ petition is taken up for final disposal.

2. This writ petition has been filed as Public Interest Litigation seeking for a direction to interfere with the delimitation exercise conducted by the respondent in respect of Ward Nos.10, 11, and 12 of Ammapatti Village with Mavathampatti Village and Sangarapuram Village by considering the petitioner representations dated 30.12.2017, 12.01.2018, 05.02.2018 and 06.02.2018.

3. The allegation made in the writ petition is that no notice was issued to the villages and procedure was not followed before the delimitation exercise was conducted.

4. This averment is denied by the learned Additional Advocate General appearing for the respondents 2 and 3 and he submitted that the procedure required to be followed has been scrupulously followed.

5. Before we examining as to whether the procedure was followed or not, we need to examine about the legal position as to whether this Court can exercise its power under Article 226 of the Constitution of India in delimitation exercises. This very question was considered by the Hon'ble Division Bench, to which one of us was a party (Hon'ble MR.JUSTICE T.S.SIVAGNANAM), in the case of **Bar Association Pudukottai Vs. The Chief Electoral Officer and others** in W.P.No.4475 of 2008 and the said writ petition was dismissed. The said decision was followed by the Hon'ble Division Bench in the case of **D.Vijayakumar Vs. The Election Commissioner and others** in W.P.No.20081 of 2019 dated 29.07.2019.

6. In the light of the above, this Court is not tenured of power to interfere in the delimitation exercise, consequently, we



cannot issue any direction as such sought for by the petitioner. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Delimitation Commission Chairman,
The Tamil Nadu State Election Commissioner,
Jawaharlal Nehru Road, Koyambedu,
Chennai-600 106.
- 2.The Director of Rural Development and Panchayat Raj,
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- 3.The District Delimitation Authority / District Collector,
Office of the District Collector,
Dindigul District.
- 4.The Executive Officer,
Ammayanayakkanur Town Panchayat,
Ammanayakkanur,
Dindigul District.

+1 CC to M/s.N.SATHIS BABU, Advocate (SR-89268[F] dated 25/09/2019)

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-89784[F] dated 26/09/2019)

+1 CC to M/s.GP (SR-90245[F] dated 27/09/2019)

W.P. (MD)No.20668 of 2019
25.09.2019

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