



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.23886 of 2019

and

W.M.P.[MD]Nos.20505 & 20506 of 2019

S.Alavanadar

: Petitioner

Vs.

1.The State Election Commission,
Rep. by its Secretary,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam,
Chennai - 600 106.

2.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Fort St. George,
Chennai - 600 009.

3.The Commissioner of Municipal Administration,
No.75, Santhome High Road,
Chennai - 600 028.

4.The District Collector,
Thanjavur District,
Thanjavur.

5.The Commissioner,
Thanjavur City Municipal Corporation,
Thanjavur.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the fifth respondent in Na.Ka.No.5199/2019/F1 dated 07.05.2019 and the consequential impugned Gazette Notification issued by the fifth respondent in Ma.A.Na.Ka.No.16212/2019/Aa1 dated 27.05.2019 and to quash the same and consequently directing the respondents to consider allocation of Ward No.1 Thanjavur City Municipal Corporation as Women Reserved Category for the purpose of Local Body Election.



For Petitioner : Mr.G.Sankaran
For Respondent No.1 : Mr.D.Shanmugaraja Sethupathi
For Respondents 2 to 4 : Mr.A.K.Baskara Pandian
Special Government Pleader
For Respondent No.5 : Mr.N.Dilip Kumar

O R D E R

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

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2.Heard Mr.G.Sankaran, learned Counsel appearing on behalf of the petitioner, Mr.D.Shanmugaraja Sethupathi, learned Counsel appearing for the first respondent, Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing on behalf of respondents 2 to 4 and Mr.N.Dilip Kumar, learned Counsel appearing on behalf of the fifth respondent.

3.The petitioner seeks for setting aside the order passed by the fifth respondent dated 07.05.2019 and the consequential Gazette notification dated 27.05.2019 and for a direction to declare Ward No.1 of the Thanjavur City Municipal Corporation as a constituency reserved for women in the ensuing local body election.

4.By the impugned order it has been informed that the de-limitation process is being done by taking into consideration the census conducted during 2011 and the matter is under progress. The petitioner has also been informed that even in respect of general ward there is no prohibition for women candidates to participate in the election. The consequential notification pursuant to the impugned notification dated 07.05.2019, reserves 23 wards for women out of the total number of 51 wards in the said municipal Corporation. In our considered view, there can be no error either in the impugned order or in the consequential notification dated 27.05.2019.

5.Learned Counsel appearing for the respondent Municipal Corporation submitted that the reservation of seats is based upon the de-limitation process and the population is arranged in descending order and based on that the wards are reserved.

6.In our considered view, there is no error in the procedure adopted. Apart from that, the Hon'ble Supreme Court had pointed out that the Court should not interdict the de-limitation process. More or less an identical issue was considered by us in W.P.[MD]No.20690 of 2019, etc., batch and the writ petitions were dismissed by order dated 17.10.2019.



7. For all the above reasons, we find no ground to interfere with the order impugned. The Writ Petition stands dismissed, accordingly. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

MR

To

1. The Secretary to Government,
State of Tamil Nadu,
Municipal Administration & Water Supply Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Commissioner of Municipal Administration,
No.75, Santhome High Road,
Chennai - 600 028.

3. The District Collector,
Thanjavur District, Thanjavur.

+1 CC to Mr.N. DILIPKUMAR, Advocate (SR-98008[F] dated 13/11/2019)
+1 CC to Mr.D. SHANMUGARAJA SETHUPATHI, Advocate (SR-97940[F] dated 13/11/2019)
+1 CC to Mr.F.DEEPAK, Advocate (SR-98102[F] dated 14/11/2019)
+1 CC to SPL GP (SR-98395[F] dated 14/11/2019)

Order made in

W.P. [MD]No.23886 of 2019

Dated: 13.11.2019

VB(03.12.2019) 3P 8C