



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD)No.24312 of 2019
and
W.M.P (MD)No.20927 of 2019

Ayyasamy

... Petitioner

Vs.

1.The Election Commissioner,
The Tamilnadu State Election Commission,
208/2, Jawaharlal Nehru Street,
Arumbakkam,
Chennai - 106.

2.The Director,
Department of Rural Development,
Panagal Maligai,
Saidapet,
Chennai - 15.

3.The District Collector,
Madurai District,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to conduct local body election, 2019 to the Post of Chairperson, Mathur Village Panchayat, Madurai District in the status of reserved one for SC & ST (Woman) as per Rule 5 of the Tamil Nadu Town Panchayat, Municipalities and Corporations (Delimitation of Wards of Divisions and Reservation) Rules 1996 and G.O.Ms.No.57 Rural Development and Panchayatraj Department dated 20.05.2019 without changing its status.

For Petitioner : Mr.T.Lenin Kumar

For R-1 : Mr.D.Shanmugaraja Sethupathy

For R-2 & R-3 : Mr.A.K.Baskarapandian,
Special Government Pleader



ORDER

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

Heard Mr.T.Lenin Kumar, learned counsel for the petitioner, Mr.D.Shanmuga Raja Sethupathy, learned counsel for the first respondent and Mr.A.K.Baskarapandian, learned Special Government Pleader for R-2 and R-3.

2. The prayer sought for by the petitioner cannot be granted for more than one reason. Firstly, the petitioner seeks for a direction to interfere with the delimitation exercise by seeking a direction to reserve one post of Chairperson in Mathur Village Panchayat, Madurai District for SC/ST woman category as per Rule 5 of the Tamil Nadu Town Panchayat, Municipalities and Corporations (Delimitation of Wards of Divisions and Reservation) Rules 1996.

3. The settled legal position is that the Court cannot interdict or interfere with the delimitation process. Furthermore, from the written instructions given by the District Collector to the learned Special Government Pleader, we find that requisite population has not been achieved for considering the prayer sought for by the petitioner.

4. Thus, for the above reasons, the relief sought for by the petitioner cannot be granted and this Writ Petition is dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

pm

To:

1.The Director,
Department of Rural Development,
Panagal Maligai,
Saidapet,
Chennai - 15.



2.The District Collector,
Madurai District,
Madurai.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-99389[F] dated 19/11/2019)

+1 CC to M/s.T. LENIN KUMAR, Advocate (SR-99821[F] dated 20/11/2019

+1 CC to M/s.SPL GP (SR-99987[F] dated 20/11/2019)

ORDER MADE IN
W.P (MD) No.24312 of 2019
19.11.2019

JMN(10.12.2019) 3P : 6C