



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Petition (MD).No.24798 of 2019

R.Shanmugavel

... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep., by the Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St.George, Chennai-09.
- 2.The Tamil Nadu State Election Commission
Rep., by the Tamil Nadu State Election Commissioner,
No.208/2, Jawaharlal Nehru Road,
Opposite to CMBT, Arumbakkam,
Chennai-600 106.
- 3.The District Collector/District Election Officer,
Office of the District Collector,
Ramanathapuram District.
- 4.The Block Development Officer,
Kadaladi Panchayat Union,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 3 to allot and reserve Earvadi Village Panchayat President seat for Scheduled Caste enabling the people belonging to Scheduled Caste to contest the Election in the upcoming Panchayat Election.

For Petitioner	: Mr.S.Malaikani
For Respondents	: Mr.K.Chellapandian
	Additional Advocate General
	assisted by Mr.A.Muthukaruppan
	Additional Government Pleader
	(for R1, R3 and R4)
	Mr.Rajakarthikeyan
	(for R2)



O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.S.Malaikani, learned counsel appearing for the petitioner, Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondents 1, 3 and 4 and Mr.Rajakarthikeyan, learned counsel appearing for the second respondent.

2.This Writ Petition has been filed for issuance of Writ of Mandamus to direct the respondents 1 to 3 to allot and reserve Earvadi Village Panchayat President seat for Scheduled Caste enabling the people belonging to Scheduled Caste to contest the Election in the upcoming Panchayat Election.

3.According to the learned counsel for the petitioner, for several decades though there are sufficient number of schedule caste people residing in the Village, the Panchayat has not been made as a reserved seat for scheduled caste.

4.The learned Additional Advocate General appearing for the respondents, on instructions from the department, submitted that the petitioner's village panchayat falls within Kadaladi Panchayat Union having population of 1,46,566. In the Kadaladi Panchayat Village, there are 60 village panchayats and the panchayat population of Scheduled Cast people is 21,103. Thus, considering the said population, 9 wards of the village panchayat have to be reserved for scheduled caste and taking note of the population, the same has been allotted, highest population of scheduled caste is in Kantharvakottai where 50% scheduled caste people are residing. Insofar as the petitioner village Earvadi is concerned, the population is only 8%.

5.In the light of the above, we find that there is no ground made out by the petitioner to issue a direction, as sought for. Further more, an identical issue was considered by us in W.P(MD). No.20690 of 2019 etc., dated 17.10.2019 and the writ petition was dismissed.

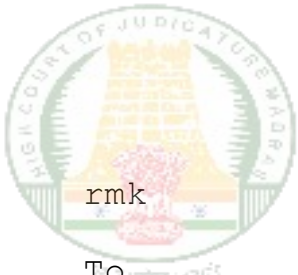
6.In the light of the above, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)



To **மேலும் உரிமை**

WEB COPY

- 1.The Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St.George, Chennai-09.
- 2.The District Collector/District Election Officer,
Office of the District Collector,
Ramanathapuram District.
- 3.The Block Development Officer,
Kadaladi Panchayat Union,
Ramanathapuram District.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-100587[F] dated 22/11/2019)

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-101155[F] dated 26/11/2019)

Writ Petition (MD).No.24798 of 2019
22.11.2019

_KM/(13.12.2019) 3P 6C