



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MRS.JUSTICE T.RAVINDRAN

W.P. (MD)No.27208 of 2019

and

W.M.P. (MD) .No.23507 of 2019

M.Marimuthu

... Petitioner

Vs.

1.The Delimitation Commission Chairman/
The Tamil Nadu State Election Commissioner,
Jawakarlal Nehru Road, Koyambedu,
Chennai-600106.

2.The Director of Rural Development and Panchayathraj,
Pangal Maligai, 4th floor, Abdul Razzak Street,
West Saidapet, Chennai-600015.

3.The District Delimitation Officer/
The District Collector,
The District Collectorate Office,
Viruthunagar, Viruthunagar District.

4.The Panchayath Wards Delimitation Officer/
The Block Development Officer,
Sivakasi Block, Sivakasi,
Viruthunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbear the respondents to include the Annaiyur Village Panchayat wards 7 & 8 in Sivakasi Panchayat Union Wards 18 & 19 in pursuant to the G.O.(Ms)No.57, Rural Development and Panchayat Raj(PR-1), dated 20.05.2019 subsequently direct the respondents to restore the villages of Ayyampatti & A.Latchumiyapuram of Annaiyur Village Panchayat Wards based on the petitioner's representation dated 09.10.2019 in accordance with rule 3(1),(2) & 4 of Tamilnadu Panchayats (Fixation of Strength of Members and Division of Wards) Rules, 1995 and Section 4(a) & (b) of the Tamilnadu Delimitation Commission Act, 2017 and Sections 5, 6, 7 & 8 of the Tamilnadu Local Bodies Delimitation Regulations, 2017 within the stipulated period by this Court.

For Petitioner

: Mr.S.Selvakumar

For R1

: Mr.Rajakarthikeyan



For R2 to R4

: Mr.K.Chellapandian,
Additional Advocate General.
Assisted by Mr.VR.Shanmuganathan,
Special Government Pleader.

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O R D E R

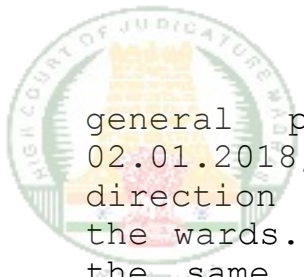
(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above writ petition to issue a writ of Mandamus forbearing the respondents from including the Annaiyur Village Panchayat Wards 7 and 8 in Sivakasi Panchayat Union Wards 18 and 19 in pursuant to the G.O.(Ms.)No.57, Rural Development and Panchayat Raj (PR-1), dated 20.05.2019, subsequently directing the respondents to restore the villages of Ayyampatti and A.Latchumiyapuram of Annaiyur Village Panchayat, Sivakasi Panchayat Union, Viruthunagar District as Separate Village Panchayat Wards, based on the petitioner's representation dated 09.10.2019, in accordance with the Rule 3(1), (2) and 4 of Tamil Nadu Panchayats (Fixation of Strength of Members and Division of Wards) Rules, 1995 and Section 4(a) and (b) of the Tamil Nadu Delimitation Commission, Act, 2017 and Sections 5, 6, 7 and 8 of the Tamil Nadu Local Bodies Delimitation Regulations, 2017, within a time frame.

2. It is the case of the petitioner that the wards which found place in the Draft Delimitation Notification, on 02.01.2018, were not included in the Final Delimitation Notification and some of the wards which were not in the Draft Delimitation Notification were included in the Final Delimitation Notification. Therefore, the authorities would be directed to rectify the mistakes committed by them in the Final Delimitation Notification.

3. Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondents 2 to 4 and Mr.Raja Karthikeyan, learned counsel appearing for the first respondent submitted that the Draft Delimitation Notification was issued on 02.01.2018, calling for objections from the general public and after considering the objections given to the authorities by the public, the Final Delimitation Notification was issued on 20.05.2019. Therefore, the inclusion and exclusion of the wards in the final notification was only based on the objections given by the general public. That apart, though the final notification was issued as early as on 20.05.2019, the petitioner has chosen to file the present writ petition only now. That apart, the learned Additional Advocate General has also submitted that the authorities have also published the list of eligible candidates for the forthcoming local body election.

4. Since the authorities have published the Final Delimitation Notification only after considering the objections given by the



general public, pursuant to the Draft Notification dated 02.01.2018, we do not find any reason to give any further direction to the authorities with regard to the delimitation of the wards. Accordingly, the writ petition is devoid of merits and the same is dismissed. It is open to the petitioner to file appropriate petition challenging the election process, in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Delimitation Commission Chairman/
The Tamil Nadu State Election Commissioner,
Jawakarlal Nehru Road, Koyambedu,
Chennai-600106.
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Viruthunagar, Viruthunagar District.
- 4.The Panchayath Wards Delimitation Officer/
The Block Development Officer,
Sivakasi Block, Sivakasi,
Viruthunagar District.

+1 CC to Mr.RAJA KARTHIKEYAN, Advocate (SR-106333[F] dated 20/12/2019)

+1 CC to Mr.D.SHANMUGARAJASETHUPATHI, Advocate (SR-106382[F] dated 20/12/2019)

+1 CC to SPL.GP (SR-106519[F] dated 27/12/2019)

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