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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 506 of 2020

and

W.M.P. No. 592 of 2020

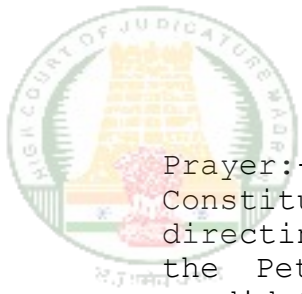
1. Selvi
2. Latha

... Petitioners

-vs-

1. The State Election Commissioner,
Jawaharlal Nehru Road,
Jai Nagar, Koyambedu, Chennai.
2. The District Collector,
Collectorate Buildings,
Tiruvannamalai.
3. The Revenue Divisional Officer,
Near Periyar Statute,
Tiruvannamalai.
4. The Tahsildar,
Thandarampattu,
Tiruvannamalai District.
5. The Assistant Project Officer,
(Housing and Health) cum Election Officer,
Panchayat Union Ward Council Elections,
Thandarampattu Block, Tiruvannamalai District.
6. N. Poongodi
7. G. Parimala
8. The Chairman,
Tamil Nadu State level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai - 600 009.
(R8 impleaded vide order dated
06.02.2020 in W.M.P. No. 3180 of 2020)

... Respondents



Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Fifth Respondent to consider the representation of the Petitioner dated 06.01.2020 by strictly considering the candidature of the candidates under the ST Quota for election to the post of Chairman of Thandarampattu Panchayat Union Block, Tiruvannamalai District to be conducted on 11.01.2020 thereby eliminating the Sixth and Seventh Respondents who claimed under the ST Quota.

For Petitioners :Mr. G. Vinoth

For Respondents :Mr. AR.L. Sundaresan,
Senior Counsel
assisted by Mr. B. Nedunchezhiyan,
Learned Standing Counsel (for R1)

Mr. V. Jayaprakash Narayanan,
Government Pleader
(for R2, R3, R4, R5 and R8)

Mr. S. Doraisamy (for R7)

O R D E R

Heard Mr. G. Vinoth, Learned Counsel for the Petitioner, Mr. AR.L. Sundaresan, Learned Senior Counsel appearing for the First Respondent and Mr. V. Jayaprakash Narayanan, Learned Government Pleader appearing for the Second, Third, Fourth, Fifth and Eighth Respondents and Mr. S. Doraisamy, Learned Counsel for the Seventh Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance sought to be ventilated by the Petitioner is that the Sixth and Seventh Respondents do not belong to the Scheduled Tribes, but they are attempting to contest for the election to the post of Chairman of Thandarampattu Panchayat Union Block, Thiruvannamalai District, which has been reserved exclusively for persons belonging to the Scheduled Tribes. In that regard, Learned Senior Counsel appearing for the First Respondent, on instructions, states that it would be ensured before publishing the final list of eligible candidates for the post of Chairman of Thandarampattu Panchayat Union Block, Thiruvannamalai District, that the contestants produce the requisite community certificate in proof of their Scheduled Tribe status from the concerned authority. An endorsement to that effect has been made by the Learned Standing Counsel for the First Respondent, which is recorded.



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3. If the Petitioners have any grievance that the person who is ultimately elected did not have the requisite community certificate at the time of election, it would be open to them to work out their remedy for necessary relief in that regard before the proper forum in the manner recognized by law.

4. Accordingly, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

vjt/das

To

1. The State Election Commissioner,
Jawaharlal Nehru Road, Jai Nagar,
Koyambedu, Chennai.
2. The District Collector,
Collectorate Buildings,
Tiruvannamalai.
3. The Revenue Divisional Officer,
Near Periyar Statute, Tiruvannamalai.
4. The Tahsildar,
Thandarampattu, Tiruvannamalai District.
5. The Assistant Project Officer,
(Housing and Health) cum Election Officer,
Panchayat Union Ward Council Elections,
Thandarampattu Block, Tiruvannamalai District.
6. The Chairman,
Tamil Nadu State level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 600 009.

+1cc to Mr.S. Doraisamy, Advocate SR.No.9736
+1cc to Mr.N.Naganathan, Advocate SR.No.9600
+1cc to Mr.N.Umapathi, Advocate SR.No.9754
+1cc to Government Pleader SR.No.10065

W.P. No. 506 of 2020

PP(CO)

GMV(14/07/2020)