



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.16138 of 2021

S.Raji

..Petitioner

-Vs-

1. State of Tamil Nadu
Rep by the Additional Chief Secretary to
Government,
Rural Development and Panchayat
Raj Department, Secretariat
Chennai - 600 009.
2. Tamil Nadu State Election Commission
Rep by Tamil Nadu State Election Commissioner
No. 208 / 2 Jawaharlal Nehru Road
Opp to Koyambedu
Arumbakkam, Chennai - 600 106.
3. The District Election Officer
and The District Collector,
Vellore District, Vellore.
4. The Commissioner
Katpadi Panchayat Union
Katpadi, Vellore District.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing respondent no. 1 - State of Tamil Nadu to consider the feasibility of making the office of the President of Arimuthumothur Village Panchayat as the one reserved for Scheduled Castes and adopting the principle of rotation of reserved seats in accordance with the Tamil Nadu Panchayats (Reservation of Seats and Rotation of Reserved Seats) Rules 1995 within a reasonable time as may be determined by the Honourable Court.



WEB COPY

For Petitioner : Mr.P.Pugalenthir

For Respondents : Mr.A.Selvendran
Government Advocate
for R 1, R 3

Mr.S.Sivashanmugam
for R 2

Mrs.Amirta
for R 4

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 1st respondent to consider the representation made by the petitioner on 22.10.2020, wherein, the petitioner has sought for reservation of the post of the President of the Village Panchayat under the Scheduled Caste category.

2.When the matter was taken up for admission on 03.08.2021, this court directed the learned counsel appearing on behalf of the respondents to take instructions with regard to the representation made by the petitioner on 14.09.2020, and report the same before this court.

3.The learned counsel appearing on behalf of the 2nd respondent viz., the Tamil Nadu State Election Commission, submitted the relevant Government Order in G.O.No.396, dated 03.09.2021, wherein, the Arimuthumottur Panchayat has been brought within the "General" category. The learned counsel submitted that if the petitioner is aggrieved with the notification issued under Section 57 of the Tamil Nadu Panchayats Act, 1994, he must workout his remedy only by way of filing an appeal under the relevant Act.

4.The 4th respondent has filed a counter affidavit. The 4th respondent has clearly explained in the counter affidavit by providing all the details and it has been stated that Arimuthumottur Panchayat consist of only 222 persons falling under the Scheduled Caste category as against 3697 persons falling under "General" category. Since the percentage of the scheduled caste population works out to only 6.004%, it is not feasible for reserving the office of the President under the Scheduled Caste category.

5.The counter affidavit filed by the 4th respondent provides the answer for the grievance expressed by the petitioner. This court does not find any ground to interfere with the decision taken by the respondents. Hence, no further



WEB COPY

orders can be passed in the present writ petition and accordingly the same is dismissed. No costs.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

KP

To

1. The Additional Chief Secretary to
Government,
State of Tamil Nadu
Rural Development and Panchayat
Raj Department, Secretariat
Chennai - 600 009.
2. Tamil Nadu State Election Commission
Rep by Tamil Nadu State Election Commissioner
No. 208 / 2 Jawaharlal Nehru Road
Opp to Koyambedu
Arumbakkam, Chennai - 600 106.
3. The District Election Officer
and The District Collector,
Vellore District, Vellore.
4. The Commissioner
Katpadi Panchayat Union
Katpadi, Vellore District.

+1CC to Mr.S.Siva Shanmugam, Advocate, SR.No. 46292
+1CC to The Government Pleader, SR.No. 46484

W.P.No.16138 of 2021

SR(CO)
B.VC (04/10/2021)