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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.19995 OF 2021

&

W.M.P.NOS.21249 & 21253 OF 2021

M.Bhavani

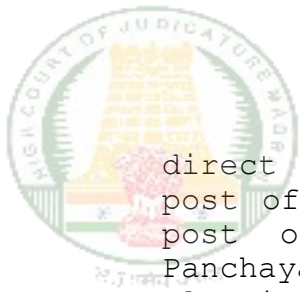
... Petitioner

-Vs-

1. The Principal Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai.
2. The District Collector,
Chengalpattu,
Chengalpattu District.
3. The Commissioner,
Tamilnadu State Election Commission,
Koyambedu, Chennai,
Tamilnadu.
4. The Revenue Divisional Officer,
Chengalpattu,
Chengalpattu District.
5. The District Revenue Officer,
Chengalpattu,
Chengalpattu District.

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus or any other Order or Direction in the nature of Writ calling for records relating to the impugned portion reserving SC women to Nemmeli village at page No. 12, SI. No. 5 of Tirukalukundram Panchayat union, Chengalpattu District in G.O. (Ms) No.108, Rural development and Panchayat Raj (PR-1) in No-II (2)/RDPR/636(c-3)/2021 of the 1st respondent dated 03.09.2021 published in Tamilnadu Gazette notification No.396 dated 03.09.2021 and quash the same as highly illegal and consequently



direct the respondents to allot General woman category for the post of President in the Nemmeli village woman category for the post of President in the Nemmeli village, Tirukalukundram Panchayat union, Chengalpatty district in the forthcoming election which is the next category with next larger to the population in the Panchayat as per the proviso to rule 7(1) of Tamilnadu Panchayats (Reservation of Seats and rotation of Reserved seats) Rules 1995 vide G.O.Ms. No. 142 Rural Development C-2, department dated 07.08.1995.

For Petitioner : Mr.K.S.Ilangovan

For Respondents : Mr.A.Selvendran
Government Advocate
for R1, R2, R4 & R5
Mr.Sivashanmugam
Standing counsel for R3

O R D E R

The reservation for the post of the President of the Village Panchayat for SC woman has been put to challenge in the present writ petition.

2. The learned Government counsel based on instructions submitted that insofar as Nemmeli Village Panchayat is concerned, the total population is 3831 (male-1934 and female-1897). Out of this, the SC population is 513 (male-256 and female-257), the ST population is 53 (male-27, female-26). The learned Government counsel also brought to the notice of this Court the details with regard to the reservations that were made for the post of Village President and it is seen that for the past 4 terms, it has been reserved only under the General category that is during the elections that were conducted in 1996, 2001, 2006 and 2011. It can also be seen that the total percentage of SC women out of the total population is 50.0975 %. When it was arranged in the descending order, Nemmeli Village Panchayat falls in the 12th place and therefore, the post of President of the Village Panchayat was reserved to SC women.

3. This Court is Prima facie convinced with the explanation given by the respondents. At this stage, this Court cannot get into the merits of the case, since it will indirectly amount to interfering with the elections, which is specifically barred under Article 243-O of the Constitution of India. If there is any grievance, the same can be challenged only by way of filing election petition.



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4. In the result, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rka/sha

To

1. The Principal Secretary,
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Fort St.George, Chennai.
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Tamilnadu State Election Commission,
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Tamilnadu.
4. The Revenue Divisional Officer,
Chengalpattu,
Chengalpattu District.
5. The District Revenue Officer,
Chengalpattu,
Chengalpattu District.

+1cc to Mr.S.Sivashanmugam, Advocate, S.R.No.48957
+1cc to the Government Pleader, S.R.No.49480

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&
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VBM(CO)
CS/12/10/2021