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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.20339 of 2021  
and  
W.M.P.Nos.21582 & 21584 of 2021

C.Devika

...Petitioner

-Vs-

1. The Principal Secretary to Government  
Rural Development and Panchayat  
Raj (PR-1) Department  
Government of Tamilnadu  
Secretariat Fort St George  
Chennai- 600 009.
2. The Tamilnadu State Election Commission  
No.208/2 Jawaharlal Nehru Road  
Arumbakkam Chennai- 600 106.
3. The District Collector / Inspector of Panchayat  
Vellore district,  
Vellore.
4. The Revenue Divisional Officer  
Gudiyatham  
Vellore district.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus Calling for the records pertaining to the order in TABLE in Page No.28 Vellore district Reservation of Offices of president of the village panchayats of the Gudiyatham panchayat Union declaring S.No.1 Thattaparai as Reserved for ST Women in G.O.Ms.No.108 Rural Development and Panchayat Raj (PR-1) dated 03.09.2021 of the 1st Respondent and quash the same and direct the respondents to consider the representations dated 31.08.2021 made by the petitioner and other to the 3rd respondent.



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For Petitioner : Mr.W.M.Abdul Majeed

For Respondents: Mr.A.Selvendran,  
Government Advocate  
for RR 1,3 and 4

Mr.Sivashanmugam  
Standing Counsel - for R2

## O R D E R

This writ petition was filed challenging the impugned Gazette Notification No.396 dated 03.09.2021 insofar as reserving the post of the President of the village Panchayat under the category Scheduled Tribe (Women).

2. When the matter came up for admission on 23.09.2021, this Court directed the learned Government Counsel to take instructions as to whether any nomination has been filed for the post of Panchayat President, since the last date for receipt of the nomination was on 22.09.2021 and the last date for withdrawal of the nomination is on 25.09.2021.

3. When the matter was taken up for hearing today, the learned Government Counsel appearing on behalf of the respondents 1, 3 and 4, based on written instructions, submitted that one nomination was received for the post of Panchayat President and on scrutiny, the same was rejected since it did not satisfy the requirements.

4. In view of the above development, the election for the post of Panchayat President cannot be conducted during this election. In view of the same, before the next election is conducted, it will be more appropriate if the representation made by the petitioner on 13.09.2021 is taken into consideration. It will be more relevant to take into consideration this representation since the District Collector had already directed the Revenue Divisional Officer to conduct an inspection and to file a report as to whether any person belonging to the Scheduled Tribe community is living in the concerned village and the Revenue Divisional Officer, through a communication dated 05.09.2021 has informed the District Collector that, no one belonging to Scheduled Tribe community is residing in the said village. This communication made by the Revenue Divisional Officer has a lot of significance and it has to be taken into consideration while dealing with the representation made by the petitioner.

5. In the result, there shall be a direction to the third respondent to consider the representation made by the petitioner



on 13.09.2021 along with all the relevant documents and the report submitted by the Revenue Divisional Officer and shall take a decision within a period of three months from the date of receipt of a copy of this order. This decision taken by the third respondent will form the basis while the next election is conducted for the post of Panchayat President.

6. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Principal Secretary to Government  
Rural Development and Panchayat  
Raj (PR-1) Department Government of  
Tamilnadu Secretariat Fort St George  
Chennai- 600 009.
2. The Tamilnadu State Election Commission  
No.208/2 Jawaharlal Nehru Road  
Arumbakkam Chennai- 600 106.
3. The District Collector / Inspector of Panchayat  
Vellore district, Vellore.
4. The Revenue Divisional Officer  
Gudiyatham Vellore district.

+1cc to Mr.W.M.Abdul Majeed, Advocate, S.R.No.49346  
+1cc to the Government Pleader, S.R.No.49809  
+1cc to Mr.S.Sivashanmugam, Advocate, S.R.No.49681

W.P.No.20339 of 2021 &  
WMP Nos.21582 & 21584 of 2021

SS(CO)  
RGA(05/10/2021)