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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

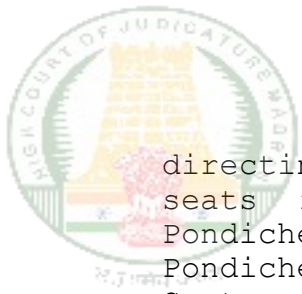
WP Nos.21067, 21117 and 21708 of 2021
and WMP Nos.22326, 22327, 22383, 22382,
22890 and 22891 of 2021

J.Pregash Kumar	...Petitioner in WP.21067/21
N.Periannan	...Petitioner in WP.21117/21
Rajibabu	...Petitioner in WP.21708/21

Vs.

1. The Union of India,
rep. by The Chief Secretary,
Government of Puducherry,
Union Territory of Puducherry,
Puducherry. ...1st respondent in all WPs.
2. The State Election Commission,
Election Department Complex III Floor,
Villianur Main oad, Reddiyarpalayam,
Puducherry 605 010. .. 2nd respondent in WP.
21067 & 21117/2021 and
3rd respondent in WP.
21708/2021
3. The Government of Pudhucherry,
Rep. by the Secretary to Government,
Local Administration Department,
Puducherry. .. 3rd respondent in WP.
21067 & 21117/2021 and
2nd respondent in WP.
21708/2021

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus - (i) WP.21067/2021 - calling for the records relating to the impugned Notification No. 1-4/ M and P/ Res/ 2021- 22 dated 23.08.2021 and the impugned Press Release dated 22.09.2021 issued by the 2nd Respondent, quash the same and consequently



directing the respondents to comply with the reservation of seats for the scheduled castes as per section 9 of the Pondicherry Municipalities Act 1973 and rules 5 and 6 of the Pondicherry Municipalities (Allotment and Rotation and Reserved Seats and offices) Rules 1996; (ii) WP.21117/2021 - calling for the records pertaining to the State Election commission Notification Number (1-4/M and P/ Res/2021-22) dated 23.8.2021 and the corrigendum even dated (No.1-4/M and P / Res / 2021-22) and the consequent press release dated 22.9.2021 and set aside the same with a consequential direction to the Election commission the 2nd respondent herein to re-notify the reserved seats for the reserved categories strictly in accordance with the puducherry Municipalities Act of 1973 and the Puducherry Municipalities (Allotment and Rotation of Reserved seats and offices) Rules 1996 and with a further direction to the Government the 3rd respondent herein to determine the number of seats to be allotted for backward classes based on the population of backward class in the particular Municipality and then to notify the seats reserved for Backward Class and conduct the election in accordance with law at the earliest; (iii) WP.21078/2021 - calling for the records relating impugned Notification No. No.1-4/M&P/Res/2021-22 dated 23.08.2021 and consequential impugned Press Release dated 22.09.2021 issued by the 3rd respondent and quash the same and consequentially direct the 3rd respondent to issue a fresh Notification for conducting election for 5 Municipalities and 10 Commune Panchayats for Union Territory of Puducherry after making proper and necessary reservation to Scheduled Castes (SC) Community people by strictly following the Puducherry Municipalities (Allotment and Rotation of Reserved Seats and Offices) Rules, 1996 in consonance with Gazette Notification dated 04.08.2021 published by the Under Secretary to Government (Local Administration), Local Administration Secretariat, Government of Puducherry in official Gazette of Puducherry, Part-I Extraordinary containing population of the Scheduled Castes (SC) in each Ward of the Municipalities in the Union Territory of Puducherry which prepared based on Census taken on 2011.

For the Petitioner in WP 21067/2021	:	Mr.N.Manokaran
WP 21117/2021	:	Mr.AR.L.Sundaresan, Senior Counsel for Mr.G.Mani Prabhu
WP 21708/2021	:	Mr.Prakash Adiapadam
For the Respondents	:	Mr.R.Sankaranarayanan Additional Solicitor-General



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assisted by Ms.N.Mala
Govt. Pleader (Pondy)
for R-1 in all WPs. And
for R-3 in WP.21067 & 21117/21
and for R-2 in WP.21708/21

: Mr.V.Chandrasekaran
SPC for R-2 in WP. 21067 &
21117/21 and R-3
WP.21708/21

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

These three petitions complain of anomalies in how the selection of wards reserved for Scheduled Castes has been made for the municipal elections in the Union Territory of Puducherry.

2. WP No.21067 of 2021 has been taken up on several occasions. When the petition was received on September 29, 2021, it was admitted by the Union Territory that this was the first municipal elections being conducted on the basis of the 2011 census and after the recent delimitation exercise was completed in June of 2021. Upon the discovery of several anomalies, the petition was adjourned and heard again along with WP No.21117 of 2021 on September 30, 2021, October 1, 2021 and October 4, 2021.

3. Learned Additional Solicitor-General submits that a notification rescinding the earlier notifications pertaining to reservation being G.O.Ms.No.47/LAS/2019 dated March 07, 2019 and G.O.Ms.No.48/LAS/2019 dated March 07, 2019 will be issued by October 07, 2021. As a consequence, the State Election Commission seeks leave to withdraw the municipal elections notification dated September 22, 2021. Since the State Election Commission seeks permission to issue a fresh election notification in the above circumstances, such permission is granted so that the fresh notification is published within five days of the formal rescinding of the previous notification of September 22, 2021.

4. A fresh notification be issued calling for the election of Municipalities, Commune Panchayats and Village Panchayats by providing for reservation and by treating the present election as the first for the purpose of the rotation principles as recognised in Section 9(5) of the Puducherry Municipalities Act, 1973 and Rule 9 of the Puducherry Municipalities (Allotment and Rotation of Reserved Seats and Office) Rules, 1996.



5. The Union Territory of Puducherry has reminded this court that in terms of an order of the Supreme Court the municipal elections need to be conducted expeditiously.

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6. It is hoped that the anomalies are now removed and the proposed notification carries no mistake so that the elections can be held as expeditiously as possible, subject to the minimum time being maintained between the issuance of the notification, the last date for filing nominations and the conduct of the elections.

W.P.Nos.21067, 21117 and 21708 of 2021 are disposed of. There will be no order as to costs. Consequently, WMP Nos. 22326, 22327, 22383, 22382, 22890 and 22891 of 2021 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra
To:

1. The Chief Secretary to Union of India,
Government of Puducherry,
Union Territory of Puducherry,
Puducherry.
2. The State Election Commission,
Election Department Complex III Floor,
Villianur Main Road, Reddiyarpalayam,
Puducherry 605 010.
3. The Secretary to Government of Puducherry,
Local Administration Department,
Puducherry.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.52418
+2ccs to the Government Pleader for Puducherry, S.R.No.52158, 52159

WP Nos.21067, 21117 and
21708 of 2021

PVS[co]
NSK 11/10/2021
NSK 25/10/2021