



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

WEB COPY

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

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

W.P.Nos.22288, 22289 and 22301 of 2021
and
WMP.Nos.23511 to 23516, 23528, 23529 and 25655 of 2021

R.Siva	..Petitioner in WP.No.22288 of 2021
V.Velmurugan	..Petitioner in WP.No.22289 of 2021
J.Pregash Kumar	..Petitioner in WP.No.22301 of 2021

Vs

1.Union Territory of Puducherry
Rep. by its Chief Secretary,
Secretariat, Goubert Avenue,
Beach Road, White Town,
Puducherry-605001.

2.Government of Puducherry,
Rep. by its Secretary to the
Government, Local Administration
Department, Secretariat,
Goubert Avenue,
Puducherry-605 001.

3.State Election Commission, rep.
by State Election Commissioner, 3rd floor,
Election Building,
Villianur Main Road,
Reddiarpalayam,
Puducherry-605 010.

..Respondents 1 to 3 in both
WP.Nos.22288 &22289 of 2021



4.The Director, Head of the Department,
Local Administration Department,
No.16, Suffren Street, White Town,
Puducherry-605 001.

..Respondent-4
in WP.No.22288 of 2021

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5.The Under Secretary to Government,
Local Administration Department,
Government of Puducherry, No.16,
Suffren Street, Puducherry-605 001.

6.Council of Ministers, Rep. by its Secretary,
Government of Puducherry, Puducherry.

..Respondents 5 & 6 in
WP.No.22288 of 2021 &
Respondents 4 & 5 in
WP.No.22289 of 2021

7. Union of India, rep.by its
Secretary to Government, Ministry
of Panchayat Raj,
New Delhi-110002.

8. The Union of India, rep.by the
Chief Secretary, Government of
Puducherry, Union Territory of
Puducherry, Puducherry.

9. The State Election Commission,
Election Department Complex III
Floor, Villianur Main Road,
Reddiyarpalayam, Puducherry.
605010.

10.The Government of Puducherry,
rep.by the Under Secretary to
Government, Local Administration
Department, Puducherry.

11.The Assembly Secretary,
Puducherry Legislative Assembly,
Puducherry.

..Respondents in 1 to 5
in WP.No.22301 of 2021

Prayer: Petitions filed under Article 226 of The Constitution of India praying for the issuance of

(i) a Writ of Certiorarified Mandamus to call for the records of Impugned Notifications in G.O.Ms.No.51/LAS/2021 Puducherry dated 06.10.2021 and in G.O.Ms.No.52/LAS/2021 Puducherry dated 06.10.2021 issued by the 2nd respondent and



signed by the 5th respondent herein culminating into consequential impugned Notifications in No.131/SEC/CE/Res-M/E4/2021-22/914 dated 07.10.2021 and No.1-32/SEC/CE/Res-P/E4/2021-22/915 dated 07.10.2021 issued by the 3rd respondent herein, quash the same and consequently direct the Respondents herein to conduct Elections for local bodies with reservations for Backward Class and Schedule Tribes expeditiously (WP.No.22288 of 2021);

(ii) a Writ of Certiorarified Mandamus to call for the records of Impugned Notifications in G.O.Ms.No.51/LAS/2021 dated 06.10.2021 and in G.O.Ms.No.52/LAS/2021 dated 06.10.2021 issued by the 2nd Respondent, quash the same and consequently direct the Respondents to conduct election for Local Bodies after providing reservation for Backward Class and Scheduled Tribes (WP.No.22289 of 2021); and

(iii) a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned G.O.Ms.No.51/LAS/2021 and G.O.Ms.No. 52/LAS/2021 dated 06.10.2021 issued by the 4th respondent and the consequential impugned Election Notification dated 07.10.2021 vide No.1-31/SEC/CE/Res-M/E4/2022-22/914 and the impugned Press Release dated 08.10.2021 vide No.1-33/SEC/CE/E1/2021-22/930 issued by the 3rd Respondent, quash the same and further direct the respondents to provide adequate reservation for Backward Class and Schedule Tribe duly following the procedures contemplated under the Puducherry Municipalities Act- 1973 and in adherence to Article 243-S and Article 243-T(6) of The Constitution of India and make necessary notifications for the municipal elections in the Union Territory of Puducherry (WP. No.22301 of 2021).

For Petitioners

: Mr.P.Wilson, Senior Counsel
(i) for Mr.P.Dinesh Kumar
for petitioner in
WP.No. 22288 of 2021 and

(ii) Mr.P.Wilson
Senior Counsel for
Mr.P.Saravanan for
petitioner in WP.No.22289
of 2021

Mr.AR.L.Sundaresan,
Senior Counsel for
Mr.B.Balavijayan
for petitioner in
WP.No. 22301 of 2021



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For Respondents

Mr.R.Vijay Narayan,
Senior Counsel assisted by
Mr.J.Kumaran,
Additional Government
Pleader (Puducherry)
for R1, R2 and R4 to R6 in
W.P.No.22288 of 2021 and
for R1, R2, R4 and R5 in
both WP.Nos.22289 & 22301
of 2021

Mr.V.Chandrasekaran
for R3 in all the WPs

COMMON ORDER

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

After arguing the writ petitions for some length, the respective learned counsel appearing for the petitioners pray for withdrawal of the writ petitions with liberty to approach the Apex Court under Article 32 of The Constitution of India.

2. It is under the circumstances that in respect of the issue pertaining to election to municipalities and panchayats in the Union Territory of Puducherry, the Apex Court is seized of the matter and directions have been issued to the Election Commission to hold the elections within the time specified therein. The Election Commission also issued Notifications to hold the elections.

3. The matter has complexity in a view that as per the Constitutional provisions under Article 243D(1) and (6), the Government has taken a decision to provide reservation. But, it should be in compliance of the decision of the Apex Court in the case of K.Krishna Murthy Vs. Union of India [2010 (7) SCC 202]. In view of the aforesaid, parties submit that entire matter is required to be taken before the Apex Court.

4. Learned counsel for the petitioners pray to extend the interim order for a period of two weeks, so that the parties may approach the Apex Court in the meanwhile.

5. As prayed, the writ petitions are dismissed as withdrawn with liberty, as prayed for. The prayer for extension of interim order is not opposed by any of the parties. Accordingly, the interim order passed by this Court on 11.10.2021 shall continue for a period of two weeks from today. Liberty is granted to the



petitioners as well as any other party so interested to approach the Apex Court. Consequently, all connected pending WMPs are also dismissed. There will be no order as to costs.

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Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

RS

To:

1. Union Territory of Puducherry
Rep. by its Chief Secretary,
Secretariat, Goubert Avenue,
Beach Road, White Town,
Puducherry-605001.
2. Government of Puducherry,
Rep. by its Secretary to the
Government, Local Administration
Department, Secretariat,
Goubert Avenue, Puducherry-605 001.
3. State Election Commission, rep.
by State Election Commissioner, 3rd floor,
Election Building, Villianur Main Road,
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4. The Director, Head of the Department,
Local Administration Department,
No.16, Suffren Street, White Town,
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5. The Under Secretary to Government,
Local Administration Department,
Government of Puducherry, No.16,
Suffren Street,
Puducherry-605 001.
6. Council of Ministers,
Rep. by its Secretary,
Government of Puducherry,
Puducherry.



7. Union of India, rep.by its
Secretary to Government,
Ministry of Panchayat Raj,
New Delhi-110002.

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8. The Union of India, rep.by the
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10. The Government of Puducherry,
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Department, Puducherry.

11. The Assembly Secretary,
Puducherry Legislative Assembly,
Puducherry.

+1cc to Mr.B.Balavijayan, Advocate, S.R.No.63129
+1cc to Mr.P.Dinesh Kumar, Advocate, S.R.No.62765
+1cc to the Government Pleader, Pondicherry, S.R.No.62715
+1cc to the Government Pleader, Pondicherry, S.R.No.62714
+1cc to Mr.P.Saravanan, Advocate, S.R.No.62764

W.P.Nos.22288, 22289 and 22301 of 2021
and
WMP.Nos.23511 to 23516, 23528, 23529 and 25655 of 2021

SMI (CO)
RGA (06/12/2021)