



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.1292 of 2021

K.Guruviah

... Petitioner

Vs.

- 1.The Secretary,
Rajya Shaba,
Parliament Building, New Delhi.
- 2.The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, New Delhi.
- 3.The State Election Commissioner,
208/2, Jawaharlal Nehru Road,
Opp. to Koyambedu Bus Stand,
Arumbakkam, Chennai - 600 106.
- 4.The Secretary,
State Legislative Assembly,
Secretariat,
Chennai - 600 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to frame necessary rules to provide proportionate representation to the SC / ST communities notified in the Tamil Nadu gazette whenever the election to the Rajya Sabha is notified for the State of Tamil Nadu.

For Petitioner	:	Mr.Santhoshkumar
For Respondent No.1	:	Mrs.Victoria Gowri Assistant Solicitor General
For Respondent No.2	:	Mr.Niranjana Rajagopalan Senior Counsel
For Respondent No.3	:	Mr.K.P.Krishnadoss Special Government Pleader

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ORDER

(Order of the Court was made by T. S. SIVAGNANAM, J.)

The Writ Petition styled as a Public Interest Litigation, seeks for the issuance of a Writ of Mandamus, directing the respondents to frame necessary rules to provide proportionate representation to the SC / ST communities notified in the Tamil Nadu gazette, whenever the election to the Rajya Sabha is notified for the State of Tamil Nadu.

2.As rightly submitted by Mr.Niranjan Rajagopalan, learned Senior Counsel appearing for the Chief Election Commissioner, the prayer sought for cannot be considered until and unless the Constitution of India provides for reservation. If reservation is provided, then the De-limitation Commission of India will take up the issue. Therefore, no Mandamus as prayed for in the Writ Petition can be issued.

3.Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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4.The Secretary,
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+1 CC to SPL GP (SR-16047[F] dated 16/04/2021)

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RRS (10.05.2021) 3P 6C