



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.21142 of 2021

and

W.M.P(MD)No.17713 of 2021

Lakshmanan

... Petitioner

Vs.

1.The Tamil Nadu State Election Commissioner/
Chairman, Delimitation Commission,
No.208/2, Jawaharlal Nehru Street,
Arumpakkam, Chennai - 106.

2.The District Collector/
The District Delimitation Authority,
Sivagangai District.

3.The Executive Officer/
The Delimitation Authority,
Kanadukathan Town Panchayat,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent by his proceedings in Na.Ka.No.79/2021 dated 16.11.2021 and quash the same as illegal, consequently direct the respondents to conduct inquiry as per the regulations made under Regulation 8 of the Tamil Nadu Local Bodies Delimitation Regulations, 2017, regarding the written objections dated 00.09.2021 for reservation of Ward No.8 as SC(Women) in Kanadukathan Town Panchayat, Sivagangai District within a time frame.

For Petitioner
For R-1

:Mr.D.Venkatesh
:Mr.B.Saravanan,
Standing Counsel
:Mr.P.Thilak Kumar,
Government Pleader

For R-2 & R-3



ORDER

(Order of the Court was made by

PUSHPA SATHYANARAYANA, J.)

The Writ Petition is directed against the letter in Na.Ka.No.79/2021 dated 16.11.2021 issued by the Executive Officer of the Kanadukathan Town Panchayat.

2. The grievance of the writ petitioner is that he had his residence in Ward No.7 of Kanadukathan Town Panchayat and now, it is under Ward No.8 of the said Town Panchayat. There is a Government Gazette issued in 2019, in which, Ward Nos.5 & 8 were reserved for Scheduled Caste (Women) and Scheduled Caste (General) respectively. The Gazette publication is pursuant to the Tamil Nadu Delimitation Commission Act, 2017 and the Tamil Nadu Local Bodies Delimitation Regulations, 2017.

3. The learned counsel for the petitioner submits that the written objections to the respondents were given under Regulation 8 (e) of the Tamil Nadu Local Bodies Delimitation Regulations, 2017. But, does not mention the date on which it was given. From the typed set of papers furnished, it can be seen that a representation was given by the writ petitioner in September, 2021, stating that in Ward No.7, which is allotted only for Scheduled Caste candidates, there is no Scheduled Caste people living. Therefore, when there is no Scheduled Caste people living in that ward, it should not have been reserved for Scheduled Caste community. However, in the impugned letter, it is stated that there was an exercise of obtaining the statistics of SC/ST People living in that area. Originally Ward Nos.3 and 7 were reserved for Scheduled Caste people for the election in the year 2016. However, no election was conducted. Therefore, in the year 2019, as per community roster, delimitation was done for Ward Nos.1 to 12 by applying the zig zag method of the streets. As per which, the original Ward Nos.3 and 7 were re-numbered as Ward Nos.5 and 8, but reserved only for Scheduled Caste people. The said notification is now challenged by the writ petitioner.

4. Heard Mr.D.Venkatesh, learned counsel appearing for the petitioner, Mr.B.Saravanan, learned standing counsel appearing for the first respondent and Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 2 and 3.

5. The Tamil Nadu Local Bodies Delimitation Regulations, 2017, provides for objections or suggestions on the draft delimitation by any person as per Regulation 8(e). Once such objection is given, as per Regulation 8(j), the District Delimitation Authority or any other Officer authorized by him for the said purpose shall hear the parties and give direction to the relevant Executive Authority of the Local Body to submit revised proposal recommending the changes, if required, based on the findings and reasonableness of the



requests. While so, as there was no objection received from the public, the Gazette notification was issued on 24th May, 2019. The petitioner without giving objections prior to the publication of Gazette or without even challenging the Gazette issued, for the first time has given his objection in the year 2021, which cannot be entertained or even considered as the Gazette publication issued has become final. It is only the ward number that has been changed in the impugned notification. Therefore, we see no merits in the writ petition which deserves to be dismissed.

Accordingly, the writ petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

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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3.The Executive Officer/
The Delimitation Authority,
Kanadukathan Town Panchayat, Sivagangai District.

+1 CC to M/s.SPL GP (SR-36470[F] dated 30/11/2021)

+1 CC to M/s.B. SARAIVANAN, Advocate (SR-36551[F] dated 30/11/2021)

W.P (MD) No.21142 of 2021
29.11.2021

ARK(CO)
KB(09.12.2021) 3P 6C

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