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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.02.2022

DELIVERED ON : 23.02.2022

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NO.1241 OF 2022

Muthuraj

.. Petitioner

Vs

1. The Chief Secretary
Government of Tamil Nadu
Fort St. George, Chennai - 9.
2. The State Election Commissioner
208/2, Jawaharalal Nehru Salai
Arumbakkam, Chennai - 106.
3. The Commissioner
Corporation of Greater Chennai
Ribbon Buildings, Chennai.
4. The Additional Chief Secretary to Government
Municipal Administration and Water Supply Department
Secretariat, Fort St. George
Chennai - 600 009.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records in Government Gazette Notification No.46-VI(2)/4(d)/2022, dated 17.1.2022 on the file of the third respondent herein and quash the same and consequently direct the respondents to reconsider the reservation for women in accordance with law considering the women population in the ward and conduct the election within a stipulated time.



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For the Petitioner : Mr.Om Prakash, Sr. Counsel
assisted by Mr.B.Manoharan
for Mr.V.S.Mannarsamy

For the Respondents : Mr.R.Shunmugasundaram
Advocate General
assisted by Mr.P.Muthukumar
State Government Pleader
for respondents 1 and 4

: Mr.P.S.Raman, Sr. Counsel
assisted by
Mr.S.Sivashanmugam
Standing Counsel
for 2nd respondent

: Mr.P.Wilson, Sr. Counsel
assisted by
Mrs.Karthika Ashok
Standing Counsel
for 3rd respondent

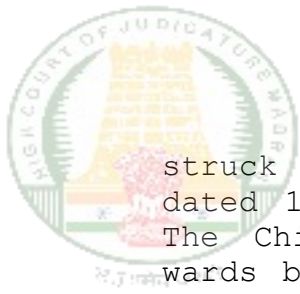
ORDER

THE HON'BLE CHIEF JUSTICE

The writ petition, in the nature of public interest litigation, is to challenge the Government Gazette Notification No.46-VI(2)/4(d)/2022, dated 17.1.2022 issued by the Chennai City Municipal Corporation.

2. The challenge to the notification is precisely in regard to the reservation of wards in the Chennai Municipal Corporation Elections in favour of women for the ensuing election on 19.1.2022. It is the contention of the petitioner that, as per the Constitution and the statute, the delimitation of the wards should be based on the population, but ignoring the same the notification was issued.

3. Learned Senior Counsel for the petitioner has made reference of the earlier notification by which the reservation in favour of the women was provided dividing the wards in each zone carved out by the Corporation for administrative convenience. On a challenge to the reservation of wards on each zone basis, the notification was held to be unconstitutional and



struck down. The respondents while implementing the judgment dated 11.1.2022 passed in W.P.No.25819 of 2021 [R.Parthiban v. The Chief Secretary and others] were required to carve out wards based on the population census of 2011 as no census took place in the year 2021 due to the pandemic Covid-19. However, the respondents while issuing the impugned notification have violated Rule 4 of the Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Corporation (Delimitation of Wards or Divisions and Reservation) Rules, 1996 [for brevity, "the Rules of 1996"] and Regulation 6(1) of the Tamil Nadu Local Bodies Delimitation Regulations, 2017 [for brevity, "the Regulations of 2017"].

5. Referring to tabular format in reference to the wards and the population in each ward, learned Senior Counsel appearing for the petitioner submitted that there is disparity in the wards as few wards are having population of more than 40,000 voters, while others are having population of 20,000 voters only. The disparity aforesaid is not permissible and otherwise a dispute on figures has not been made by the respondents. The only argument is that disparity between the ratio of population while carving out the wards is looking to the fact that in the outer area of the municipal corporation, the population is comparatively less than in the heart of the city. In case of delimitation of the wards based on the population, the city area would be having small boundaries while the outer areas would have bigger boundaries making it difficult for the administration to implement the provisions of law for the benefit of the public.

6. Learned Senior Counsel for the petitioner submitted that the aforesaid is in violation of the constitutional mandate as also the statutory provisions and it cannot be accepted.

7. During the course of argument, an objection was raised to the maintainability of the writ petition in view of Article 243-ZG of the Constitution of India read with the Rules of 1996 and the Regulations of 2017. It is precisely on two grounds, viz., (i) the notification for delimitation cannot be challenged in view of the bar imposed under Article 243-ZG of the Constitution of India; and, (ii) the elections having been notified by the notification dated 28.1.2022, interference in the process of the election is not permissible.

8. In response to the aforesaid preliminary objection, Learned Senior Counsel for the parties requested the court to first deal with the issue of maintainability of the writ petition.



9. Learned Senior Counsel for the petitioner has made reference of the judgment of the Apex Court in the case of Anugrah Narain Singh and another v. State of U.P. and others, (1996) 6 SCC 303 in reference to Article 243-ZG of the Constitution.

10. Apart from the judgment aforesaid, a further reference of the judgment in the case of Dravida Munnetra Kazhagam (DMK) v. Secretary, Governor's Secretariat and others, (2020) 6 SCC 548 has been given. Referring to paragraph (13), learned Senior Counsel submitted that despite a notification for election, interference in the process of election was made.

11. Learned Senior Counsel for the petitioner has even placed reliance on the judgment in the case of the State of Goa and another v. Fouziya Imtiaz Shaikh and another, (2021) 8 SCC 401, and submitted that on the similar facts, the Apex Court has decided the issue after referring to Article 243-ZG(b) of the Constitution and held that even though the constitutional provision aforesaid holds that from the date of notification of election till the date of declaration of result, a judicial hands-off is mandated by the non-obstante clause contained in the said Article, the constitutional bar operates only during the aforesaid period and, thus, it is a matter of discretion of the constitutional court to cause interference or deny it when the electoral process is imminent, i.e., the notification of election is yet to be announced.

12. In view of the above, learned Senior Counsel for the petitioner submits that despite the bar under Article 243-ZG(b) of the Constitution, the writ petition can be maintained as it does not provide complete judicial hands-off. Accordingly, an argument was raised with a prayer to hold the writ petition to be maintainable despite a challenge to the delimitation and pressing the writ petition during the process of election, as otherwise it was preferred before the notification of election.

13. The further argument is that a challenge to the electoral roll per se cannot be said to be a challenge to the delimitation and, in the instant case, the petitioner has not challenged the delimitation in reference to the boundaries, thus Article 243-ZG of the Constitution is not even applicable.

14. Learned counsel for the petitioner has given a further reference of the judgment of the Andhra Pradesh High Court in the case of Kayathi Jayapal Reddy v. State Election Commissioner, AIR 2002 AP 307, where certain conclusions were drawn in the matters pertaining to elections in reference to the several judgments of the Supreme Court. As per the conclusion



arrived at by the Andhra Pradesh High Court, the writ petition is maintainable and, accordingly, the issue raised by the petitioner be considered after rejecting the preliminary objection raised by the respondents.

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15. The issue of maintainability of the writ petition has been contested by learned Advocate General appearing for the State as well as by other learned Senior Counsel appearing for the State Election Commission and the Corporation of Chennai. It is not only in reference to Article 243-ZG of the Constitution, but also on account of the initiation of the process of elections pursuant to the notification issued on 28.1.2022.

16. Learned counsel for the respondents submit that since the writ petition is not maintainable, this court may not enter into the factual issues. It is more so when no justification for delay has been given, because delimitation of boundaries of wards was notified in the year 2018 itself, whereas the writ petition has been filed in the year 2022. The delimitation was carved out pursuant to the recommendation of the Delimitation Commission with a notification published on 14.12.2018. The writ petition has been filed with unexplained delay of more than three years, thus deserves to be dismissed on the ground of laches, apart from the fact that it is not otherwise maintainable.

17. Learned counsel for the respondents submit that in view of the specific bar under Article 243-ZG of the Constitution and the catena of judgments of the Supreme Court clarifying the issue, the writ petition is not maintainable, that too, when notification for election was issued on 28.1.2022 and elections are scheduled on 19.2.2022.

18. Learned Senior Counsel for the State Election Commission gave a reference to the judgment of the Apex Court in the case of Meghraj Kothari v. Delimitation Commission and others, AIR 1967 SC 669, wherein it was held that on publication of notification for delimitation it cannot be called in question in a court of law and therein reference to Article 329 of the Constitution of India was given, apart from the provisions of Sections 8, 9 and 10 of the Delimitation Commission Act, 1962. He, therefore, submitted that the writ petition would not be maintainable as essentially the petitioner challenges the boundaries of the wards pursuant to the notification of delimitation and consequential strength of the voters in each ward. Thus, the prayer in the writ petition is not simplicitor to challenge reservation of wards, but the boundaries pursuant to the delimitation, of which challenge is not permissible as



per the constitutional provisions and otherwise not challenged.

19. Arguments were advanced by learned Senior Counsel appearing on behalf of the respondents to clarify the proposition of law laid down by the Apex Court in the case of Fouziya Imtiaz Shaikh, supra, and would be considered by this court while dealing with the rival arguments.

20. The argument qua the maintainability of the writ petition raised by learned Senior Counsel for the State Election Commission has been supported by learned Senior Counsel appearing on behalf of the third respondent. It is submitted that the writ petition is to call in question the reservation to women ignoring the proportion to the population arranging in descending order of the wards. The reservation of the wards in favour of the different categories was, no doubt, notified on 17.1.2022, but it was based on the delimitation of the wards pursuant to the notification dated 14.12.2018.

21. Clarifying the facts and reasons for delimitation of different wards, an argument was raised by learned Senior Counsel appearing on behalf of the third respondent on the issue of maintainability of the writ petition. It was submitted that in the light of the provisions of Article 243-ZG of the Constitution, the writ petition to challenge the delimitation would not be maintainable. It is also when the process of election has already commenced. Referring to the various judgments of the Supreme Court, prayer was made to dismiss the writ petition.

22. This court is to first deal with the issue of maintainability of the writ petition in the light of the provisions of law and judgments cited by either side while dealing with the rival arguments and drawing the conclusions in reference to it.

23. The writ petition has been filed to challenge the gazette notification dated 17.1.2022 issued by the third respondent. It is mainly on the ground that ignoring the mandate of Article 243-T of the Constitution and Rule 4 of the Rules of 1996 read with Regulation 6(1) of the Regulations of 2017, reservation to women has been provided disproportionate to the population. During the course of argument, learned Senior Counsel for the petitioner referred to the population ratio of different wards to show that delimitation has not been made based on the population and, that too, in the ratio required so as to carve out the wards with equal ratio of the population.



24. At the outset, the notification of delimitation of wards was issued on 14.12.2018 and based on the aforesaid, notification dated 17.1.2022 was issued to provide reservation in favour of the different categories. The issue raised by the petitioner regarding disparity in the population of the different wards could have been by challenging the delimitation notified on 14.12.2018, but to save from the towering delay and even the rigour of Article 243-ZG of the Constitution, the challenge is only to the notification dated 17.1.2022 for reservation and not to the delimitation. The alleged disproportionate population is an outcome of the notification of delimitation issued on 14.12.2018 and is not under challenge.

25. It has been clarified by learned Advocate General as also learned senior counsel for the State Election Commission that even after the judgment of this Court to provide reservation taking Chennai Municipal Corporation as a whole and not on zone basis, the boundaries of different wards were not changed, rather instead of having seats reserved on the basis of zones, it has been now provided on the total seats/wards of the Chennai Municipal Corporation. The clarification aforesaid is required to examine whether Article 243-ZG of the Constitution would apply to this case or not and we find that what has been challenged in the grounds is nothing but delimitation notified by the respondents on 14.12.2018, which is not even under challenge and, therefore, the relief prayed by the petitioner in reference to the disparity in the population of the wards cannot even be accepted, because wards were not carved out by the notification dated 17.1.2022. The aforesaid is only one aspect, otherwise we need to examine the maintainability of the writ petition in reference to the objection raised by the respondents.

26. To analyze the argument aforesaid, a reference to Article 243-ZG of the Constitution is relevant and is reproduced hereunder:

"Article 243-ZG. Bar to interference by Courts in electoral matters.-

Notwithstanding anything in this Constitution,-

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243-ZA shall not be called in question in any Court;

(b) no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State."



28. We may first give reference to the judgment of the Apex Court in the case of Meghraj Kothari, supra, wherein it was held that after the publication of the notification in the gazette, the issue of delimitation cannot be challenged, though before that it can be entertained by the State Election Commission. Paragraph (20) of the said judgment is quoted hereunder:

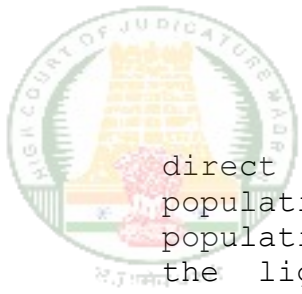
"20. In this case we are not faced with that difficulty because the Constitution itself provides under Art. 329(a) that any law relating to the delimitation of constituencies etc. made or purporting to be made under Art. 327 shall not be called in question in any court. Therefore an order under s. 8 or 9 and published under s. 10(1) would not be saved merely because of the use of the expression 'shall not be called in question in any Court'. But if by the publication of the order in the Gazette of India it is to be treated as law made under Art. 327, Art. 329 would prevent any investigation by any court of law."

[emphasis supplied]

29. In view of the judgment in Meghraj Kothari, supra, the issue of delimitation cannot be called in question in any court, though a challenge is made permissible before the State Election Commission. The judgment aforesaid not only interprets Article 329(a) of the Constitution, but also Article 327 of the Constitution and, therefore, it becomes clear that apart from bar to interference by courts contemplated under Article 243-ZG of the Constitution, the issue of delimitation cannot be called in question before this court.

30. At this juncture, learned Senior Counsel appearing for the petitioner sought to clarify that the petitioner is not challenging the delimitation, but the reservation based on disproportionate population carved out in the wards of the Chennai Municipal Corporation.

31. We are unable to accept the aforesaid submission because what is effectively challenged by the petitioner is nothing but the delimitation of wards and, that too, without explaining the delay, as the delimitation was notified on 14.12.2018 and the same has not been challenged. What has been challenged is the reservation pursuant to the notification dated 17.1.2022, but the argument and effective relief sought is nothing but to



direct the respondents to create the wards in reference to the population ratio. The argument to arrange the wards on population of area is nothing but challenge to delimitation. In the light of the finding aforesaid, the challenge is not sustainable in view of the judgment of the Apex Court in the case of Meghraj Kothari, supra.

32. Learned Senior Counsel for the petitioner heavily relied on the judgment of the Apex Court in the case of Fouziya Imtiaz Shaikh, supra, on the issue of maintainability of writ petition, without taking note of paragraphs 68.1, 68.2 and 68.4 thereof, where final conclusions on issue has been drawn. Paragraphs 68.1, 68.2 and 68.4 of the judgment aforesaid are quoted hereunder for ready reference:

"68.1. Under Article 243-ZG(b), no election to any municipality can be called in question except by an election petition presented to a Tribunal as is provided by or under any law made by the legislature of a State. This would mean that from the date of notification of the election till the date of the declaration of result a judicial hands-off is mandated by the non obstante clause contained in Article 243-ZG debarring the writ court under Articles 226 and 227 from interfering once the election process has begun until it is over. The constitutional bar operates only during this period. It is therefore a matter of discretion exercisable by a writ court as to whether an interference is called for when the electoral process is 'imminent' i.e the notification for elections is yet to be announced.

68.2. If, however, the assistance of a writ court is required in subserving the progress of the election and facilitating its completion, the writ court may issue orders provided that the election process, once begun, cannot be postponed or protracted in any manner.

...

68.4. Under Article 243-ZA(1), the SEC is in overall charge of the superintendence, direction and control of the preparation of electoral rolls, and the conduct of all municipal elections. If there is a constitutional or statutory infraction by any authority including the State Government either before or during the election process, the SEC by virtue of its power under Article 243-ZA(1) can set right such infraction. For this purpose, it can direct the State



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Government or other authority to follow the Constitution or legislative enactment or direct such authority to correct an order which infracts the constitutional or statutory mandate. For this purpose, it can also approach a writ court to issue necessary directions in this behalf. It is entirely up to the SEC to set the election process in motion or, in cases where a constitutional or statutory provision is not followed or infringed, to postpone the election process until such illegal action is remedied. This the SEC will do taking into account the constitutional mandate of holding elections before the term of a municipality or Municipal Council is over. In extraordinary cases, the SEC may conduct elections after such term is over, only for good reason."

[emphasis supplied]

The paragraphs quoted above show courts' hands-off after the notification of election. The constitutional court can pass orders in subserving the progress of the election and facilitating its completion. The only exception is for the Election Commissioner and, that too, for the purpose given therein. The challenge to delimitation will not fall within the fold of the exceptions. Thus, even the judgment relied upon by learned Senior Counsel for the petitioner does not support his case on maintainability of writ petition after the notification of election.

33. A further reference of the judgment of the Apex Court in the case of State of U.P. v. Pradhan Sangh Kshettra Samiti, 1995 Supp (2) SCC 305 would be relevant. Paragraphs (44) and (45) of the said judgment are quoted hereunder:

"44. It is for the Government to decide in what manner the panchayat areas and the constituencies in each panchayat area will be delimited. It is not for the court to dictate the manner in which the same would be done. So long as the panchayat areas and the constituencies are delimited in conformity with the constitutional provisions or without committing a breach thereof, the courts cannot interfere with the same. We may, in this connection, refer to a decision of this Court in Hingir-Rampur Coal Co. Ltd. v. State of Orissa [(1961) 2 SCR 537]. In this case, the petitioner-mineowners, had among others, challenged the method prescribed by the legislature for recovering the cess under the Orissa Mining Areas Development Fund Act, 1952 on the ground that it was unconstitutional. The majority of the Bench held that the method is a



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matter of convenience and, though relevant, has to be tested in the light of other relevant circumstances. It is not permissible to challenge the vires of a statute solely on the ground that the method adopted for the recovery of the impost can and generally is adopted in levying a duty of excise.

45. What is more objectionable in the approach of the High Court is that although clause (a) of Article 243-O of the Constitution enacts a bar on the interference by the courts in electoral matters including the questioning of the validity of any law relating to the delimitation of the constituencies or the allotment of seats to such constituencies made or purported to be made under Article 243-K and the election to any panchayat, the High Court has gone into the question of the validity of the delimitation of the constituencies and also the allotment of seats to them. We may, in this connection, refer to a decision of this Court in *Meghraj Kothari v. Delimitation Commission* [AIR 1967 SC 669]. In that case, a notification of the Delimitation Commission whereby a city which had been a general constituency was notified as reserved for the Scheduled Castes. This was challenged on the ground that the petitioner had a right to be a candidate for Parliament from the said constituency which had been taken away. This Court held that the impugned notification was a law relating to the delimitation of the constituencies or the allotment of seats to such constituencies made under Article 327 of the Constitution, and that an examination of Sections 8 and 9 of the Delimitation Commission Act showed that the matters therein dealt with were not subject to the scrutiny of any court of law. There was a very good reason for such a provision because if the orders made under Sections 8 and 9 were not to be treated as final, the result would be that any voter, if he so wished, could hold up an election indefinitely by questioning the delimitation of the constituencies from court to court. Although an order under Section 8 or Section 9 of the Delimitation Commission Act and published under Section 10(1) of that Act is not part of an Act of Parliament, its effect is the same. Section 10(4) of that Act puts such an order in the same position as a law made by Parliament itself which could only be made by it under Article 327. If we read Articles 243-C, 243-K and 243-O in place of Article 327 and Sections 2(kk), 11-F and 12-BB of the Act in place of Sections 8 and 9 of the Delimitation Act, 1950, it will be obvious that neither



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the delimitation of the panchayat area nor of the constituencies in the said areas and the allotments of seats to the constituencies could have been challenged nor the court could have entertained such challenge except on the ground that before the delimitation, no objections were invited and no hearing was given. Even this challenge could not have been entertained after the notification for holding the elections was issued. The High Court not only entertained the challenge but has also gone into the merits of the alleged grievances although the challenge was made after the notification for the election was issued on 31-8-1994."

[emphasis supplied]

The proposition of law laid down in Pradhan Sangh Kshettra Samiti, supra, has been reiterated in the case of Fouziya Imtiaz Shaikh, supra.

34. A further reference of the judgment of the Apex Court in the case of Anugrah Narain Singh and another, supra, would be relevant and paragraphs 24 and 25 thereof are reproduced hereunder:

"24. The validity of Sections 6-A, 31, 32 and 33 of the U.P. Act dealing with delimitation of wards cannot be questioned in a court of law because of the express bar imposed by Article 243-ZG of the Constitution. Section 7 contains rules for allotment of seats to the Scheduled Castes, the Scheduled Tribes and the Backward Class people. The validity of that section cannot also be challenged. That apart, in the instant case, when the delimitation of the wards was made, such delimitation was not challenged on the ground of colourable exercise of power or on any other ground of arbitrariness. Any such challenge should have been made as soon as the final order was published in the Gazette after objections to the draft order were considered and not after the notification for holding of the elections was issued ...

25. In this connection, it may be necessary to mention that there is one feature to be found in the Delimitation Commission Act, 1962 which is absent in the U.P. Act. Section 10 of the Act of 1962 provided that the Commission shall cause each of its order made under Sections 8 and 9 to be published in the Gazette of India and in the Official Gazettes of the States concerned. Upon publication in the Gazette of India every such order shall have the force of law and shall



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not be called in question in any Court. Because of these specific provisions of the Delimitation Commission Act, 1962, in the case of *Meghraj Kothari v. Delimitation Commission* [AIR 1967 SC 669], this Court held that notification of orders passed under Sections 8 and 9 of that Act had the force of law and therefore, could not be assailed in any court of law because of the bar imposed by Article 329. The U.P. Act of 1959, however, merely provides that the draft order of delimitation of municipal areas shall be published in the Official Gazette for objections for a period of not less than seven days. The draft order may be altered or modified after hearing the objections filed, if any. Thereupon, it shall become final. It does not lay down that such an order upon reaching finality will have the force of law and shall not be questioned in any court of law. For this reason, it may not be possible to say that such an order made under Section 32 of the U.P. Act has the force of law and is beyond challenge by virtue of Article 243-ZG. But any such challenge should be made soon after the final order is published. The Election Court constituted under Section 61 of the U.P. Act will not be competent to entertain such an objection. In other words, this ground cannot be said to be comprised in sub-clause (iv) of clause (d) of Section 71 of the U.P. Act. In the very nature of things, the Election Court cannot entertain or give any relief on this score. The validity of a final order published under Section 33 of the U.P. Act is beyond the ken of Election Court constituted under Section 61 of the said Act."

[emphasis supplied]

The judgment, referred to above, makes it amply clear that after publication of notification of delimitation in the gazette, it shall have force of law and shall not be called in question before any court.

35. As against the aforesaid proposition, learned Senior Counsel for the petitioner has made reference of a judgment of the Apex Court in the case of *Election Commission of India v. Ashok Kumar and others*, (2000) 8 SCC 216. The judgment aforesaid does not propound the ratio for exercise of jurisdiction by the court during the process of election. Rather, it explicitly postulates that if the intervention sought has the effect of interrupting, obstructing or protracting the election proceedings, then judicial remedy should be postponed till the completion of such proceedings and subject to the aforesaid only, judicial review of the order issued by the



Election Commission is permissible, that too, on the ground of mala fide or arbitrariness. It was further held that based on mere bald assertions, a writ petition should not be entertained. The ratio laid down in the judgment aforesaid does not provide any assistance to the petitioner as otherwise challenge is not on the ground of mala fide.

36. The other judgment cited by learned Senior Counsel for the petitioner is in the case of Mohinder Singh Gill and another v. The Chief Election Commissioner, New Delhi and others, (1978) 1 SCC 405. The judgment aforesaid emphatically held that Article 329(b) of the Constitution operates as a complete bar to challenge the election by way of a writ petition under Article 226 of the Constitution of India. It was further held that the scope of Election Commission's power under Article 324 of the Constitution of India operates in areas left unoccupied by legislation and such power cannot be expanded to deal with other issues.

37. The other judgments relied upon by learned Senior Counsel for the petitioner are: (i) A.Ramdas and others v. State of Karnataka, ILR 2001 KAR 5354; and, (ii) H.C.Yatheesh Kumar and others v. The Karnataka Election Commission and others, ILR 2005 KAR 3323. However, in view of the discussion made above and taking note of the ratio propounded by the Apex Court in regard to the challenge to the delimitation and the maintainability of the writ petition after the election process has commenced, we do not find the writ petition to be maintainable. It is more so when the petitioner has not even challenged the notification of delimitation issued on 14.12.2018, but has challenged the subsequent notification for providing reservation, after the judgment of this court in the case of R.Parthiban v. The Chief Secretary and others, supra, because reservation therein was not allowed at the level of zone, but was ordered to be on the total wards of the Chennai Municipal Corporation. In the absence of a challenge to the notification of delimitation, the challenge remains only to the reservation, whereas the entire argument of learned Senior Counsel for the petitioner is in regard to carving out of the wards, ignoring the ratio of population, which is by the notification dated 14.12.2018.

38. On an overall conspectus of the aforesaid facts and considering the scope of jurisdiction under Article 226 of the Constitution to interfere with (i) the election process once it has commenced; and, (ii) the delimitation, we are of the firm view that the writ petition is not maintainable.



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For the foregoing reasons, the writ petition is dismissed.
No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To:

1. The Chief Secretary
Government of Tamil Nadu
Fort St. George, Chennai - 9.
2. The State Election Commissioner
208/2, Jawaharalal Nehru Salai
Arumbakkam, Chennai - 106.
3. The Commissioner
Corporation of Greater Chennai
Ribbon Buildings, Chennai.
4. The Additional Chief Secretary to Government
Municipal Administration and Water Supply Department
Secretariat, Fort St. George
Chennai - 600 009.

+1cc to Mr.B.Manoharan, Advocate, S.R.No.11673

+1cc to M/s.Karthikaa Ashok, Advocate, S.R.No.11870

+1cc to the Government Pleader, S.R.No.12297

W.P.No.1241 of 2022

NMI (CO)
RLP (03/03/2022)