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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM :

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

AND

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

W.P.No.1231 of 2022

M. Nagarajan

.. Petitioner

vs

- 1.Government of Tamil Nadu,
Rep. by the Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
- 2.The Tamil Nadu Delimitation Commission for Local Bodies,
Rep. by its Chairman,
Arumpakkam,
Chennai - 600 106.
- 3.The Tamil Nadu State Election Commission,
Rep. by its Secretary,
No. 208/2, Jawaharlal Nehru Road,
Opp. to CMBT,
Arumbakkam,
Chennai - 600 106.
- 4.The Commissioner of Municipal Administration,
Ezhilagam,
Chennai - 600 005.
- 5.The Corporation of Madurai,
Rep. by its Commissioner,
Arignar Anna Maligai,
Tallakulam,
Madurai - 625 002.



6. The District Delimitation Authority/District Collector,
Madurai District,
Collectorate,
Madurai - 625 020.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the impugned notification issued by the fifth respondent in 26315/Elec/2021-4 dated 07.12.2021 and quash the same as illegal and consequently direct the respondents to follow the mandatory reservation under Part-IX-A of the Constitution of India and conduct proper delimitation of wards before conducting election for the fifth respondent Corporation in accordance with law.

For the Petitioner : Mr. M.Purushothaman

For the Respondents : Mr. P.Muthukumar,
1, 4 and 6 Government Pleader

For the Respondents : Mr. Sivashanmugam
2 and 3

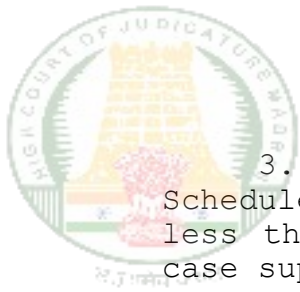
For the Respondent 5 : Mr. B.Saravanan,
Standing Counsel

ORDER

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

By this writ petition, challenge is made to notification issued by the fifth respondent in 26315/Elec/2021-4 dated 07.12.2021 and consequently direct the respondents to follow the mandatory reservation under Part IX-A of the Constitution of India and conduct proper delimitation of wards before conducting election for the fifth respondent Corporation in accordance with law.

2. The issue involved with regard the reservation of the seat in favour of the Scheduled Castes in the local body election has already been decided by this Court in the order passed on 27.01.2022 in W.P.No.1204 of 2022. The issue therein has been addressed on a challenge to the denial of reservation of one seat out of 15 in favour of the Scheduled Caste. The population of the Scheduled Castes was found to be less than 0.5% and hence, it was treated as 0. Accordingly, this Court decided the writ petition aforesaid holding action of the respondents to be legal and justified.



3. In the instant case, the reservation in favour of the Scheduled Tribes is being denied for having the population of less than 0.5%. Thus, the issue is covered by the order in the case supra.

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4. It is further submitted that there is discrepancy in the delimitation. A reference to the statement of population versus voters along with ward number has been given with detailed narration of the facts in para no. 9. The prayer is to direct the respondents that at least in future they should take care of Regulation 6 of the Framing of Tamil Nadu Local Bodies Delimitation Regulations, 2017. The variation of 10% is permissible for the Municipal Corporation and it is otherwise 25% for Village Panchayat. The variation in the present case is more than 10%.

5. Taking into consideration the arguments made by learned counsel for the petitioner, the first issue regarding the challenge to the denial of reservation in favour of Scheduled Tribes is covered by the order passed on 27.01.2022 in W.P.No.1204 of 2022 where endorsing the action taken by the respondents, the writ petition was dismissed and, accordingly, this issue would be covered by the order aforesaid. Insofar as the issue of delimitation is concerned, the writ petition is disposed of with a direction to the respondents to take note of Regulation 6 of the Regulations of 2017 for delimitation and, accordingly, they should not permit variation beyond 10% for the Municipal Corporations in future.

6. In the result, the writ petition is disposed of with the observations recorded above. W.M.P.Nos.1316 and 1317 of 202 are closed. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

vjt

To:

1.The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat,
Fort St. George,
Chennai - 600 009.



2.The Chairman,
Tamil Nadu Delimitation Commission for Local Bodies,
Arumpakkam,
Chennai - 600 106.

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3.The Secretary,
Tamil Nadu State Election Commission,
No. 208/2, Jawaharlal Nehru Road,
Opp. to CMBT, Arumbakkam,
Chennai - 600 106.

4.The Commissioner of Municipal Administration,
Ezhilagam,
Chennai - 600 005.

5.The Commissioner,
Corporation of Madurai,
Arignar Anna Maligai,
Tallakulam,
Madurai - 625 002.

6.The District Delimitation Authority/District Collector,
Madurai District,
Collectorate,
Madurai - 625 020.

+1cc to Government Pleader SR. No.5707

W.P.No.1231 of 2022

SR(CO)
PR (07/02/2022)