



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2222 of 2022

R.Sundaramoorthi

.. Petitioner

Vs.

1. The Tamil Nadu State Election Commissioner  
cum the Chairman  
The Local Bodies Delimitation Commission  
No.208/2, Jawaharlal Nehru Road  
Arumbakkam, Chennai - 600 106.

2. The District Collector cum  
The District Delimitation Officer  
Ranipet District.

3. The Executive Officer cum  
Delimitation Officer  
Thimiri Town Panchayat  
Ranipet District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for a writ of Mandamus to direct the respondents 1 to 3 herein to rectify the huge difference between the numbers of population and voters in wards of Thimiri Town Panchayat, Arcot Taluk, Ranipet District before conducting Local body election.

For the Petitioner : Mr.M.Jaikumar

For the Respondents : Mr.S.Sivashanmugam  
Standing Counsel  
for respondent 1

Mr.P.Muthukumar  
State Government Pleader  
for respondents 2 and 3



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

The writ petition has been filed for a direction to the respondents to rectify the numbers of voters in the Wards of Thimiri Town Panchayat.

2. Learned counsel for the petitioner submits that as per the information received by him under the Right to Information Act, there are disparities in the number of voters in different Wards. As per the statutory provision, delimitation of Wards should be made based on the population. In this case, delimitation has been made based on the census carried out in the year 2011, as census has not been carried out in the year 2021 in view of Covid-19 pandemic. Therefore, a direction has been sought to rectify the disparities.

3. We have considered the rival submissions and perused the records.

4. The writ petition has been filed without a proper research of legal provisions and even without a challenge to the notification for delimitation. Delimitation of Wards is carved out based on the population census and not based on total number of voters. In the instant case, delimitation was carved out based on the census caused in the year 2011, as, due to Covid-19 pandemic, census could not be carried out in the year 2021. What has been referred to us is the number of voters, instead of population of different Wards and otherwise, there is no challenge to the notification for delimitation of different panchayats and municipalities, which was issued in the year 2018, followed by the notification for reservation. The petitioner has also not filed the notification for delimitation in order to avoid the issue of delay in maintaining the writ petition. Thus, the prayer made in the writ petition cannot be granted for all the reasons given above.

5. In view of the above and the fact that the process of election has already been initiated after the notification dated 27.01.2022 and the elections are scheduled to be held on 19.02.2022, the writ petition cannot be entertained. Accordingly, the writ petition is dismissed. There will be no order as to costs.

Sd/-  
Assistant Registrar (CS-IV)

//True Copy//

kpl/drm

Sub Assistant Registrar



To:

1. The Tamil Nadu State Election Commissioner  
cum the Chairman  
The Local Bodies Delimitation Commission  
No.208/2, Jawaharlal Nehru Road  
Arumbakkam  
Chennai - 600 106.
2. The District Collector cum  
The District Delimitation Officer  
Ranipet District.
3. The Executive Officer cum  
Delimitation Officer  
Thimiri Town Panchayat  
Ranipet District.

+1cc to Mr.M.Jai Kumar, Advocate, S.R.No.9119

+1cc to the Government Pleader, S.R.No.8968

W.P.No.2222 of 2022

SSI(CO)  
SU(18/02/2022)