



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2022

CORAM :

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

W.P.NO.2909 OF 2022

C.Eraiarul

... Petitioner

.Vs.

1. The State Election Commissioner,
The Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Koyambedu,
Chennai - 600 106.

2. The Additional Chief Secretary to Government,
The Government of Tamil Nadu,
The Municipal Administration and
Water Supply (Election) Department,
St. Fort George, Secretariat,
Chennai - 600 009.

3. The Principal Secretary/Commissioner,
The Government of Tamil Nadu,
Chennai City Municipal Corporation
(Election) Department,
Secretariat, 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 pertaining to the impugned G.O.(Ms) No.10 dated 17.01.2022 on the file of the 2nd respondent and Government Notification R.D.C.L.B. (Elections) C.No.6820/2021 published in Gazette (Extraordinary) No.46 dated 17.01.2022 on the file of the third respondent and quash the same as illegal and arbitrary in respect of reservation and consequently direct the respondents to issue fresh G.O's with reservation of seats for Schedule Tribe Community as per reservation policy laid down in Article 243(D) and (T) of the Constitution of India.



WEB COPY

For the Petitioner : Mr.L.Chandrakumar
For Mr.N.Naganathan

For the Respondents : Mr.S.Siva Shanmugam
Standing Counsel
For Respondent No.1

: Mr.R.Shunmugasundaram
Advocate General
Assisted by
Mrs.J.Karthikaa Ashok
Standing Counsel
For Respondents Nos.2 and 3

ORDER

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

By this writ petition a challenge is made to the notification dated 17.01.2022 issued in the Tamil Nadu Government Gazette for reservation of Wards in Chennai City Municipal Corporation.

2. Election to the Chennai City Municipal Corporation was notified on January 28, 2022, followed by schedule of election. The last date for nomination is February 4, 2022. The process of election, after notification dated January 28, 2022, has already begun. Challenge to the reservation of Wards cannot be accepted once the election process has commenced and elections are scheduled to be held on February 19, 2022.

3. Accordingly, holding that the writ petition is not maintainable once the process of election has commenced, the same is dismissed. However, if the petitioner has any grievance, it can only be remedied by filing election petition, if he so chooses. No costs. Consequently, W.M.P.Nos.3046 and 3047 of 2022 are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The State Election Commissioner,
The Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Koyambedu, Chennai - 600 106.
2. The Additional Chief Secretary to Government,
The Government of Tamil Nadu,
The Municipal Administration and Water
Supply (Election) Department,
St. Fort George, Secretariat,
Chennai - 600 009.
3. The Principal Secretary/Commissioner,
The Government of Tamil Nadu,
Chennai City Municipal Corporation
(Election) Department,
Secretariat, Chennai - 600 009.

+1cc to Mr.N.Naganathan, Advocate, S.R.No.9121
+1cc to Mrs.J.Karthikaa Ashok, Advocate, S.R.No.9449
+1cc to the Government Pleader, S.R.No.9856

W.P.NO.2909 OF 2022

MG (CO)
PBS/22/02/2022