

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.06.2022

Coram:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD).Nos.2559 and 2655 of 2022
and
W.M.P.(MD).Nos.2245, 2247, 2345 and 2347 of 2022

K.Rajan ..Petitioner in W.P.(MD).No.2559 of 2022

Rino ..Petitioner in W.P.(MD).No.2655 of 2022

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Municipal Administration and Water Supply Department,
Chennai-600 009.
2. The Commissioner of Municipal Administration,
Municipal Administration and Water Supply Department,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai-600 028.
3. The Delimitation Commission of Tamil Nadu,
Represented by its Chairman,
Jawaharlal Nehru Road,
Koyambedu, Chennai-600 106.
4. The District Collector/District Delimitation Authority,
Office of the District Collector,
Nagercoil, Kanniyakumari District.
5. The Commissioner,
Colachel Municipality,
Kanniyakumari District.
6. The Tamil Nadu State Election Commissioner,
No.208/2, Jawaharlal Nehru Road,
Koyambedu,
Chennai-600 106.

..Respondents in W.P.(MD).No.2559 of 2022

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Fort St.George, Chennai-600 009.
2. The Tamil Nadu State Election Commission,
Represented by Tamil Nadu State Election Commissioner,
No.208/2, Jawaharlal Nehru Road,
Koyambedu,
Arumbakkam, Chennai-600 106.
3. The Additional Chief Secretary to the Government,
Office of the Municipal Administration &
Water Supply (Election) Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
4. The Directorate of Town Panchayats
Office of the Commissionerate of Town Panchayats,
7th & 8th Floor, Urban Administrative Office Campus,
Chennai-600 028.
5. The District Collector,
Office of the District Collector,
Kanniyakumari District-629 001.
.. Respondents in W.P.(MD).No.2655 of 2022

W.P.(MD).No.2559 of 2022 (Public Interest Litigation) filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned Government Gazette Notification issued by the second respondent Office, Vide Government Gazette Notification, Vide Letter No.23617/2016/M3, dated 12.12.2018 on the file of the second respondent and published in Government Gazette, dated 14.12.2018 in so far as Colachel Municipality and quash the same as illegal.

W.P.(MD).No.2655 of 2022 (Public Interest Litigation) filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the third respondent office vide Government Order in G.O.Ms.No.118, Municipal Administration and Water Supply (Election) Department, dated 07.12.2021 and quash the same as illegal in so far as creating new Municipality, namely Kollamkodu Municipality by way of merging Kollamkodu Town Panchayath along with Ezhuthesam Town Panchayath and consequently direct the respondents to make the three coastal villages, namely Vallavilai, Neerody and Marthandanthurai as Village Panchayath for the better governance and quash the same.

For petitioner in both W.P.(MD):

Mr.Kalaivanan for M/s.Henri Tiphagne

For respondents in W.P.(MD).No.2559 of 2022:

Mr.P.Muthukumar, State Govt. Pleader
assisted by Mr.K.M.D.Mugilan, Govt. Advocate
for RR-1 to 5
Mr.S.Sivashanmugam for R-6

For respondents in W.P.(MD).No.2655 of 2022:

Mr.P.Muthukumar, State Govt. Pleader
assisted by Mr.K.M.D.Mugilan,
Govt. Advocate for RR-1 and 3 to 5
Mr.S.Sivashanmugam for R-2

COMMON ORDER

(The Common Order of the Court was made by The Honourable Chief Justice)

The Writ Petitions have been filed to challenge the delimitation Notification, dated 14.12.2018 without explaining the delay of four years and addressing as to how the Writ Petitions are maintainable for challenge to the Notification for delimitation, because, as per Article 243(O) of the Constitution of India, challenge to the Notification of delimitation of the Constituency, is not permissible.

2. In view of the above, the Writ Petitions are not maintainable and are accordingly dismissed, finding no merit in the same. There shall be no order as to costs. Consequently, the Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
The State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Chennai-600 009.
- 2.The Commissioner of Municipal Administration,
Municipal Administration and Water Supply Department,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai-600 028.
- 3.The Chairman,
The Delimitation Commission of Tamil Nadu,
Jawaharlal Nehru Road,
Koyambedu, Chennai-600 106.
- 4.The District Collector/District Delimitation Authority,
Office of the District Collector,
Nagercoil, Kanniyakumari District.
- 5.The Commissioner,
Colachel Municipality,
Kanniyakumari District.
- 6.The Tamil Nadu State Election Commissioner,
No.208/2, Jawaharlal Nehru Road,
Koyambedu,
Chennai-600 106.
- 7.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Fort St.George, Chennai-600 009.
- 8.The Tamil Nadu State Election Commissioner,
The Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Koyambedu,
Arumbakkam, Chennai-600 106.
- 9.The Additional Chief Secretary to the Government,
Office of the Municipal Administration &
Water Supply (Election) Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

10.The Directorate of Town Panchayats
Office of the Commissionerate of Town Panchayats,
7th & 8th Floor, Urban Administrative Office Campus,
Chennai-600 028.

11.The District Collector,
Office of the District Collector,
Kanniyakumari District-629 001.

+1cc to Government Pleader SR. Nos. 40963 & 40962

W.P.(MD) .Nos.2559 and 2655 of 2022

AKII (CO)
PR (12/07/2022)