



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.01.2022

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)NO.21586 of 2021

WEB COPY

C.M.Syed Babu

:Petitioner

.vs.

1.The Chief Election Commissioner,
Tamil Nadu Election Commission,
Inner Ring Road, Jai Nagar,
Koyembedu, Chennai - 600 106.

2.The District Collector,
Madurai District, Madurai.

3.The Commissioner,
Madurai Corporation,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of directing the respondents to consider the Petitioner's representation, dated 13.11.2021 seeking to convert Madurai Corporation New Ward No.30, Alwarpuram as common ward from reserved ward within the time stipulated by this Court.

For Petitioner

:Mr.P.Venkata Subramanian

For Respondents

:Mr.B.Saravanan

1 and 3

Standing Counsel

For Respondent-2

:Mr.P.Subbaraj

Special Govt.Pleader

O R D E R

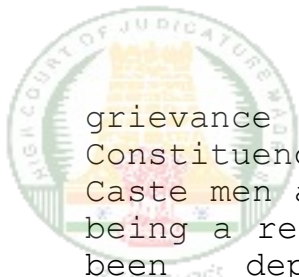
(Order of the Court was made by PUSHPA SATHYNARAYANA,J)

This Writ Petition is filed seeking issuance of a Writ of Mandamus to consider the Petitioner's representation, dated 13.11.2021, wherein, the Petitioner has sought for the conversion of Madurai Corporation New Ward No.30, Alwarpuram as common ward from reserved ward.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner has stated that Ward No.35 was re-defined as Ward No.30, for which, there was no public opinion obtained. The

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grievance of the Petitioner is that the Ward No.30 is a reserved Constituency for the last four decades enabling only the Scheduled Caste men and women to contest in the Local Body Election. As it is being a reserved ward for so many years, the other communities have been deprived of their rights to contest in the Local Body Election. In fact, the Petitioner had earlier filed W.P(MD)No.21042 of 2019 on the same line and that Writ Petition was dismissed, as the reservation to general ward had already been re-defined and the voter's list was prepared.

4.Upon notice, the third respondent had filed a counter affidavit, in which, in paragraph No.5, it is stated as follows:

'5.It is submitted that based on the census population in the year 2011, the total population of the ward is 13208.

<i>Total Population</i>	<i>Male</i>	<i>Female</i>	<i>SC Population</i>	<i>SC Male</i>	<i>SC Female</i>	<i>SC Female Percentage</i>
<i>13208</i>	<i>6179</i>	<i>7026</i>	<i>4445</i>	<i>2176</i>	<i>2269</i>	<i>51.05%</i>

Based on the above census population Ward No.30 of Madurai Corporation is reserved for Scheduled Caste Women.'

5.In the counter affidavit, it is further stated that after obtaining the draft proposal for the delimitation of the total wards of the Madurai Municipal Corporation, based on 2011 census and inviting objections and suggestions thereon, delimitation of the ward was made. Further, only based on the recommendation of the Delimitation Commission constituted under the Tamil Nadu Delimitation Commission Act, 2017(Tamil Nadu Act 23 of 2017), the above said ward has been ear-marked for the Scheduled Caste Women.

6.As the reservation was done only based on the legal principles and on the recommendation based on the population of the ward, the Petitioner cannot have any grievance and as such, the prayer sought for by the Writ Petitioner to convert the Madurai Corporation New Ward No.30, Alwarpuram as common ward from reserved ward, is not permissible and thus the Writ Petition fails.

7.In view of the above, the Writ Petition stands dismissed. No costs.

Sd/-

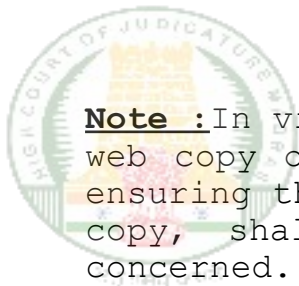
Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

vsn



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

WEB COPY

To

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Madurai.

3.The Commissioner,
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Madurai.

+2 CC to M/s.B.SARAVANAN, Advocate (SR-653[F] dated 06/01/2022)

+1 CC to M/s.SPL.GP (SR-574[F] dated 06/01/2022)

ORDER MADE IN
W.P (MD) NO.21586 of 2021
05.01.2022

KK (CO)

GC(28.01.2022) 3P 7C