



WEB COPY



W.P.No.9160 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM :

**THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.9160 of 2023

D.Suresh

.. Petitioner

Versus

1. The Secretary,
The Tamil Nadu Delimitation Commission,
Chennai - 106.
 2. The District Delimitation Officer,
Kancheepuram District.
 3. The District Collector,
Chengalpattu District.
 4. The Assistant Director Town Panchayats,
Kancheepuram.
 5. The Election Officer / Executive Officer,
Achirapakkam Town Panchayat,
Achirapakkam, Chengalpattu District.
- .. Respondents**

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records relating to the order, dated 27.12.2021 passed by the fifth respondent in



W.P.No.9160 of 2023

Na.Ka.No.246/2021, quash the same and consequently, direct the respondents herein to reconstitute the Ward Nos.13 and 14 of the Achirapakkam Town Panchayt, Chengalpattu District so as to include the area viz., Kothandaraman Nagar and Ambedhkar Nagar in the Ward No.13 by removing Ward No.14.

For Petitioner : Mr.G.Magesh Kumar

For Respondents : Mr.P.Shunmugasundaram,
Advocate General,
Assisted by Mr.K.M.D.Muhilan,
Additional Government Pleader,
for RR-1 to 4

ORDER

(Made by the Hon'ble Mr.Justice D.Bharatha Chakravarthy)

This petition is filed by the petitioner challenging the order, dated 27.12.2021 rejecting his representation to reconstitute the Ward Nos.13 and 14 of *Achirapakkam* town panchayat and consequently, to direct the respondents to reconstitute the said Ward Nos.13 and 14 so as to include the areas *Kothandaraman Nagar* and *Ambedhkar Nagar* in the Ward No.13.

2. It can be seen from the prayer made in the Writ Petition as well as the prayer made in his representation, the petitioner is virtually challenging the delimitation of Ward Nos.13 and 14. The said delimitation of the wards



W.P.No.9160 of 2023

WEB COPY

have been done under the *Tamil Nadu Delimitation Commission Act, 2017*, whereby, the delimitation of the territories of the various local bodies of the State of Tamil Nadu were done. By virtue of the provisions contained in Article 243-ZG of the Constitution of India, the validity or otherwise of such an Act cannot be gone into even by way of judicial review under Article 226 of the Constitution of India and if the notification made under the said Act shall also have the force of law and as such are immune from the judicial review. This position has already been categorically laid by the Hon'ble Supreme Court of India in *Anugrah Narain Singh and Anr. Vs. State of U.P and Ors.*¹.

3. In that background, it can be seen that in the instant case, the petitioner, firstly, has not even challenged such notification made under the Act. Secondly, even his representation does not reveal any illegality or any public interest, but, it is only from his point of view of contesting the elections, it would be better that if the areas mentioned in the prayer namely, *Kothandaraman Nagar* and *Ambedhkar Nagar*, should be in the Ward No.13. The same cannot be the reason for the authorities to reconsider or meddle with the delimitation duly made under the Act and accordingly, the

¹ (1996) 6 SCC 303



W.P.No.9160 of 2023

WEB COPY

representation has been rightly rejected and the impugned order has been passed.

4. For all the above reasons, we see no merits in the above Writ Petition and the Writ Petition shall stand dismissed. However, there shall be no orders as to costs.

(T.R., ACJ.)

(D.B.C., J.)

27.03.2023

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

grs

To

1. The Secretary,
The Tamil Nadu Delimitation Commission,
Chennai - 106.
2. The District Delimitation Officer,
Kancheepuram District.
3. The District Collector,
Chengalpattu District.
4. The Assistant Director Town Panchayats,
Kancheepuram.
5. The Election Officer / Executive Officer,



W.P.No.9160 of 2023

**Achirapakkam Towm Panchayat,
Achirapakkam, Chengalpattu District.**



WEB COPY



W.P.No.9160 of 2023

**T.RAJA, ACJ.,
AND
D.BHARATHA CHAKRAVARTHY, J.,**

grs

W.P.No.9160 of 2023

27.03.2023