



WEB COPY



W.P.No.19871 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.19871 of 2024

Palani Kalidoss

... Petitioner

-VS-

1. Government of India,
Rep. by its Secretary,
Ministry of Parliamentary Affairs,
No.87, Parliament House,
New Delhi-110 001.
2. Government of India,
Rep. by its Secretary,
Ministry of Law and Justice,
No.423, "A" Wing,
Sastri Bhavan,
New Delhi-110 001.
3. The Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi-110 001.
4. Tamil Nadu State Election Commission,
Rep. by its Commissioner,
No.208/2, Jawaharlal Nehru Road,
Opp. CMBT, Arumbakkam,
Chennai-600 106.



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5. The Chief Electoral Officer,
Tamil Nadu Public (Elections) Department,
Fort St.George, Chennai-600 009.

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6. The District Collector,
Mayiladuthurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 18.08.2023 for conversion of Sirkali Legislative Assembly Constituency reserved for Scheduled Caste and Scheduled Tribe community people to general category to enable the other community people to contest the election.

For Petitioner	:	Mr.S.Sadasharam
For R1& R2	:	Mr.R.Rajesh Vivekananthan Dy. Solicitor General of India
For R3 & R5	:	Mr.Niranjan Rajagopal
For R4	:	Mr.Siva Shanmugam
For R6	:	Mr.Edwin Prabhakar State Government Pleader

ORDER

(By the Hon'ble Acting Chief Justice)

This Writ Petition has been filed for a direction to the respondents to consider the representation of the petitioner dated 18.08.2023 for conversion of Sirkali Legislative Assembly Constituency reserved for Scheduled Caste and Scheduled Tribe

community people to general category to enable the other community people to contest the election.

2. Mr.R.Rajesh Vivekananthan, learned Deputy Solicitor General of India takes notice for R1 & R2. Mr.Niranjan Rajagopal, learned Standing Counsel takes notice for R3 & R5. Mr.Siva Shanmugam, learned Standing Counsel for R4. Mr.Edwin Prabhakar, learned State Government Pleader takes notice for R6. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. When the matter is taken up for hearing, it is represented by the learned Standing Counsel for the Election Commission of India that the prayer sought as against R3 is not maintainable, in view of the fact that the issue pertains to conversion of reservation of the community in respect of Legislative Assembly Constituency. The said exercise can be carried out or looked after only by the Delimitation Commission of India, which is entrusted with redrawing of boundaries of Legislative Assembly and Lok Sabha Constituencies based on the last census.

4. In view of the specific stand taken by the learned Standing Counsel for the Election Commission of India, the relief sought for by the petitioner cannot be



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granted. Hence, *the Writ Petition is dismissed*. It is open to the petitioner to work out his remedy before the appropriate forum in the manner known to law. No costs.

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[D.K.K.,ACJ.]

[K.B.,J.]

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Index: Yes / No

Speaking Order/Non Speaking Order
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To:

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Government of India,
Ministry of Parliamentary Affairs,
No.87, Parliament House, New Delhi-110 001.
2. The Secretary,
Government of India,
Ministry of Law and Justice,
No.423, "A" Wing, Sastri Bhavan,
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