



WEB COPY



WP No.19666 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.19666 of 2021

K.Krishnamoorthi

: Petitioner

versus

1.Government of Tamil Nadu
Rep by its Principal Secretary
Rural Development and Panchayat Raj Dept
Secretariat, Chennai

2.Tamil Nadu State Election Commission
No.208/2 Jawaharlal Nehru Road
Opp.CMBT, Arumbakkam, Chennai-600 106

3.District collector-cum-Inspector of Panchayats
Kallakurichi District

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in G.O.Ms.No.106, Rural and Panchayat Raj Department (PR-1) dated 3.9.2021 pertaining/insofar as only to reservation of offices of the Chairman of Panchayat Union council of Thiyagadurgam Kallakurichi District to SC General and quash the same and consequently direct the first respondent to reserve /de-reserve the offices of the chairman of Panchayat Union council of Thiyagadurgam Kallakurichi District in accordance to the Tamil Nadu Panchayats (Fixation of strength of Members and Division of wards) Rules 1995 and TamilNadu Panchayats (Reservation of seats and Rotation of Reserved seats) Rules 1995 within a time frame

For Petitioner : Mr.E.Muralidharan

For Respondents 1 to 3 : Mr.Edwin Prabhakar,
State Government Pleader

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For Respondent No.2 : Mr.S.Sivashanmugam
ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.E.Muralidharan, learned counsel for the petitioner, Mr.A.Edwin Prabakar, learned State Government Pleader, appearing for respondents 1 and 3 and Mr.S.Sivashanmugam, learned counsel appearing for the second respondent.

2. The petitioner is challenging the reservation given for the post of Chairman of Panchayat.

3. Learned counsel for the petitioner submits that consistently, the post of Chairman of Panchayat, since 1995-96, is reserved for members of Scheduled Caste community and it was never made available to candidates from the general category. The rotation policy is not properly adhered to.

4. The petition challenges the reservation to the post of chairman of panchayat for the elections to be held in the year 2021. It is not disputed that Kallakurichi is a newly formed district and this is the first election after the district is newly formed. As such, the said election will be the first election to be conducted for the purpose of providing reservation. It is also not disputed that



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Kallakurichi District has the maximum population having members belonging to the Scheduled Caste community, i.e. almost 41.82% of the total population of the district.

5. The applicability of rotation policy would mean that reservation in every election shall be provided in the descending manner. For the first election, the place where maximum Scheduled Caste population is found, the same would be reserved for them. For the subsequent election, subject to rotation rules, the reserved constituency would be excluded for the reservation of Scheduled Caste community. Rotation policy will have to be adopted in its true letter and spirit.

6. If in the next election, according to the petitioner, the rotation policy is not properly applied, the petitioner may agitate. Today, the issue would only remain academic.

7. The writ petition is disposed of. There shall be no order as to costs. Consequently, WMP Nos.20954 and 20956/2021 are closed.

(S.V.G., C.J.)

(D.B.C., J.)

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THE HON'BLE CHIEF JUSTICE
AND

D.BHARATHA CHAKRAVARTHY, J.

(tar)

To

- 1.The Principal Secretary
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