



W.A.No.2580 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2580 of 2021

1.K.Sivakumar
2.R.Selvaraji

.. Appellants

Vs.

- 1.The State of Tamil Nadu,
rep. by its Principal Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai-600 009.
- 2.The Tamil Nadu State Election Commission,
rep. by its Commissioner,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam,
Chennai-600 106.
- 3.The District Collector,
Tirupathur District,
Tirupathur.



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4.Madhanur Panchayat Union,
rep. by its Executive Officer/
The Block Development Officer,
Madhanur,
Ambur Taluk, Tirupathur District.

5.P.Indumathi .. Respondents

(Respondent No.5 impleaded vide order
dated 1.11.2021 made in CMP No17954 of 2021)

Prayer : Appeal filed under Clause 15 of the Letters Patent against the
order of the learned Single Judge dated 22.9.2021 passed in
W.M.P.No.21209 of 2021 in W.P.No.19864 of 2021.

For the Appellants : Mr.K.Selvaraj

For the Respondents : Mr.V.Arun
Addl. Advocate-General
assisted by
Mr.R.Kumaravel
Addl. Government Pleader
for respondents 1 and 3

: Mr.S.Shivashanmugam
for respondent No.2

: Mr.M.S.V.Iniyavan
for respondent No.5

: No appearance
for respondent No.4



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JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.K.Selvaraj, learned counsel for the appellants; Mr.V.Arun, learned Additional Advocate-General, assisted by Mr.R.Kumaravel, learned Additional Government Pleader for respondents 1 and 3; Mr.S.Shivashanmugam, learned counsel for respondent No.2; and, Mr.M.S.V.Iniyavan, learned counsel for the fifth respondent.

2. The appellants herein have filed the writ petition challenging the election for the post of President of the Nayakkaneri Village Panchayat, Madhanur Panchayat Union, Tirupathur District.

3. It is contended that there is no population of Scheduled Caste in the entire village. In the entire village, the population predominantly is of Scheduled Tribe community. The elections were notified for the period 2011-2016 and the post was reserved for General category. The said reservation for General category continued for 10 years. However, in 2021, it was changed to



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Scheduled Caste (Women) in spite of the fact that no Scheduled Caste (Women) candidate or voters are available in all the Wards of the Panchayat.

4. Learned Additional Advocate General submits that the one who was elected as President is residing in the village and is included in the voters list on the last date of nomination. Supplementary voters list is published and she belongs to Scheduled Caste (Women) category.

5. The Co-ordinate Bench of this Court on or about 7.10.2021 passed an interim order directing the elected candidate for the post of President not to take charge.

6. It is submitted that the writ petition is ready for hearing and fixed on 6.2.2024.

7. The parties may agitate before the learned Single Judge. As the interim order is operating since October, 2021, we are not



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disturbing the same at present. The same shall continue till the disposal of the writ petition. The parties may cooperate for the expeditious disposal of the writ petition. The appellants herein shall not take adjournments in the writ petition.

8. With these observations, the writ appeal is disposed of. There shall be no order as to costs. Consequently, C.M.P.Nos.16840 of 2021 and 25366 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

18.01.2024

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.

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