



W.P.No.49701 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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K.Manivannan
S/o M. Kaliaperumal
3/20, New Colony, Middle Street
Kaniyamoor Post 606 201
Chinna Salem Taluk
Kalalkurichi District.

Petitioner(s)

Vs

1. The Secretary to Government
Office of the President of India
Government of India
Rashtrapathi Bhavan
New Delhi 110 001.
2. The Secretary to Government of India
Office of the Prime Minister of India
Government of India
Parliament House
New Delhi 110 001.
3. The Secretary To Government
Government Of India
Law And Justice Department
8th Level, C Wing
Delhi Secretariat Players Building
I.P. Estate, New Delhi 110 002.



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4. The Chief Election Commissioner
Election Commission of India
Nirvachan Sadan
New Delhi 110 001.

Respondent(s)

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus to direct the respondents government to bring necessary amendments to the provisions of the Constitution of India to bring appropriate law to provide 7% reservation to the physically challenged in Parliament House as well as the Assemblies of Indian States and Union Territories in the number of Seats of Lok Sabha members, Rajya Sabha members, Assembly seats (MLA) Upper house (MLC) and in the Union Territories.

For Petitioner(s): Mr. K. Manivannan
(Party in Person) &
Mr. R. Sreedhar
(Legal Services Authority)

For Respondent(s): Mr. A. Kumaraguru
Senior Panel Counsel for R1 to R3

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The writ petition has been filed under Article 226 of the Constitution of India seeking a direction to the respondents to bring



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necessary amendments to the provisions of the Constitution of India to bring appropriate law providing 7% reservation to the physically challenged in Parliament House as well as the Assemblies of Indian States and Union Territories.

2. It is trite that the court can neither legislate nor issue a direction to the legislature to enact in a particular manner. The Supreme Court in *V.K. Naswa v. Union of India*¹, after referring to a catena of earlier decisions, held thus:

"6. It is a settled legal proposition that the court can neither legislate nor issue a direction to the legislature to enact in a particular manner.

7. In *Mallikarjuna Rao v. State of A.P.*, (1990) 2 SCC 707 and *V.K. Sood v. Deptt. of Civil Aviation*, 1993 Supp (3) SCC 9, this Court has held that **the writ court, in exercise of its power Under Article 226, has no power even indirectly to require the executive to exercise its law-making power.** The Court observed that **it is neither legal nor proper for the High Court to issue directions or advisory sermons to the executive in respect of the sphere which is exclusively within the domain of the executive under the Constitution.** The power Under

¹(2012) 2 SCC 542



Article 309 of the Constitution to frame Rules is the legislative power. This power under the Constitution has to be exercised by the President or the Governor of a State, as the case may be. **The courts cannot usurp the functions assigned to the executive under the Constitution and cannot even indirectly require the executive to exercise its law-making power in any manner. The courts cannot assume to themselves a supervisory role over the rule-making power of the executive Under Article 309 of the Constitution.** While deciding the said case, the Court placed reliance on a large number of judgments, particularly *Narinder Chand Hem Raj v. UT, H.P.*, (1971) 2 SCC 747, where it has been held that legislative power can be exercised only by the legislature or its delegate and none else.

8. In *State of H.P. v. Parent of a Student of Medical College*, (1985) 3 SCC 169, **this Court deprecated the practice adopted by the courts to issue directions to the legislature to enact a legislation to meet a particular situation observing:** (SCC p. 174, para 4)

4. ... The direction given by the Division Bench was really nothing short of an indirect attempt to compel the State Government to initiate legislation with a view to curbing the evil of



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ragging, for otherwise it is difficult to see why, after the clear and categorical statement by the Chief Secretary on behalf of the State Government that the Government will introduce legislation if found necessary and so advised, the Division Bench should have proceeded to again give the same direction. Thus the Division Bench was clearly not entitled to do. It is entirely a matter for the executive branch of the Government to decide whether or not to introduce any particular legislation.

...

*13. Similarly, in Supreme Court Employees' Welfare Assn. v. Union of India, (1989) 4 SCC 187, this Court held that **the court cannot direct the legislature to enact a particular law for the reason that under the constitutional scheme Parliament exercises sovereign power to enact law and no outside power or authority can issue a particular piece of legislation.** (See also State of J&K v. A.R. Zakki, 1992 Supp (1) SCC 548.)*

...

*18. Thus, **it is crystal clear that the court has a very limited role and in exercise of that, it is not open to have judicial legislation. Neither the***



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court can legislate, nor has it any competence to issue directions to the legislature to enact the law in a particular manner.”

[emphasis supplied]

3. In view of the law enunciated by the Apex Court, referred supra, petition is not maintainable and the same is dismissed. However, petitioner is at liberty to approach the competent authority to redress his grievance in accordance with law, if so advised. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
18.03.2026

Index : Yes/No
Neutral Citation : Yes/No

kpl/sasi



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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