

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17527 of 2015

and

M.P.No.1 of 2015

V.Deivalingam

...Petitioner

Vs.

1. Corporation of Salem,
Rep. By its Commissioner,
O/o the Corporation of Salem,
Fort,
Salem - 7.

2. The Mayor,
Corporation of Salem,
O/o the Corporation of Salem,
Fort,
Salem - 7.

3. S.Soundappan

4. M.Natesan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of certiorari to call for the records pertaining to the Special Emergent Resolution No.23, dated 27.05.2015 on the file of the first respondent as communicated by its letter in N.K.No.C5/37932/2014, dated 29.05.2015 and quash the same and pass such further orders.

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For Petitioner : Mr.R.Neelakandan
for Mr.A.Selvendran

For R1 & R2 : Mr.P.H.Aravind Pandian, AAG
Assisted by Ms.K.Bhuvaneswari

For R3 & R4 : Mr.S.Diwakar

ORDER

The petitioner has filed the present writ petition challenging the Special Emergent Resolution No.23, dated 27.05.2015, passed by the first respondent / the Commissioner, Corporation of Salem, suspending him to attend next two consecutive council meetings.

2. It is the grievance of the petitioner that while the respondents 3 and 4 and other ruling party Councillors used the floor of the first respondent Corporation to praise their political leader, the petitioner attempted to prevent such unnecessary activities. Resultantly, he was physically assaulted causing injuries to him. Therefore, he has given a police complaint at Hasthampatti Police Station on 27.05.2015 and the same was also registered in Crime No.341/2015. It is the further grievance of the petitioner that the police officials, without properly registering the case under the relevant provisions, by obtaining a complaint from the ruling party councillors, registered a false case against him. Finally, the third respondent, in collusion with the first respondent, prevented him from participating in the council meeting. Thus, he has filed the present writ petition on various grounds.

3. Denying various grounds taken by the petitioner in the writ petition, the respondents 1 and 2 have filed detailed counter affidavit, wherein at paragraph 7, it is stated that there is no bar for the petitioner to take part in the upcoming council meetings, as the impugned resolution came to be passed suspending him from participation only for two consecutive meetings, which took place on 29.06.2015 itself.

4. Learned Additional Advocate General appearing for the respondents 1 and 2 stated that by way of impugned resolution, the first respondent suspended the petitioner from participation in the council meetings only for two consecutive meetings, therefore, now there is no bar for him to participate in the council meetings as two

council meetings already took place on 29.06.2015.

5. Since the respondents 1 and 2 in their counter affidavit made it clear that the petitioner can participate in the forthcoming council meetings, this Court finds that there is no issue involved for further adjudication, hence, the writ petition stands closed. No Costs. M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rkm

To

1. Corporation of Salem,
Rep. By its Commissioner,
O/o the Corporation of Salem,
Fort, Salem - 7.
2. The Mayor,
Corporation of Salem,
O/o the Corporation of Salem,
Fort, Salem - 7.

W.P.No.17527 of 2015

TS (CO)
PSI (08.07.2015)

सत्यमेव जयते

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