

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 32942 of 2015

&

M.P. No. 1 of 2015

Mr. Neelakandan

..Petitioner

Vs.

1. The Corporation of Chennai,
rep. by its Commissioner,
Rippon Buildings,
Chennai - 600 003.

2. The Mayor,
The Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus forbearing the respondents, their men, agent, servants or any other person claiming through or under them from in any manner preventing the petitioner from taking part in the council meeting of the Corporation of Chennai during his tenure as Councillor unless in accordance with law.

For Petitioner :: Mr.S.Ramasamy, Senior Counsel
M/s. S.Ramasamy Law Associates

For Respondents:: Mr.PH. Arvind Pandian,
Addl. Advocate General

O R D E R

This writ petition is filed for issue of a Writ of Mandamus forbearing the respondents, their men, agent, servants or any other person claiming through or under them, from in any manner preventing the petitioner from taking part in the council meeting of the Corporation of Chennai during his tenure as Councillor, unless in accordance with law.

2. The petitioner is an elected Corporation Councillor representing Ward No.92, Zone VII of Chennai City and he is also the Deputy Leader of the Opposition. When the meeting of the Corporation Council for the month of September, 2015, was held on 30.09.2015, even before the commencement of the meeting, news regarding the murder of 86th Ward Councillor came and therefore, the petitioner requested the 2nd respondent that the meeting may be adjourned as the sitting Councillor expired. But, according to the petitioner, the 2nd respondent brushed aside the said request and ordered the petitioner to be removed from the meeting, not only for that day, but also for two subsequent meetings. Hence, the present writ petition.

3. Heard Mr.S. Ramasamy, learned Senior Counsel for the petitioner and Mr.P.H. Arvind Pandian, learned Additional Advocate General for the respondents.

4. It is evident from Section 32(5) of Chennai City Municipal Corporation Act, 1919 that, "the Mayor, the Deputy Mayor or the councillor presiding at a meeting of the council may direct any councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting and councillor so ordered to withdraw shall do so forthwith and absent himself during the remainder of the day's meeting. If such councillor refuses to withdraw, the Mayor, the Deputy mayor or the councillor presiding at the meeting may order his removal by force...." However, in this case, the petitioner has been debarred for two subsequent meetings as well. Though it is contended by the learned Additional Advocate General appearing for the respondents that there is no prohibition under Section 32 (5) of Chennai City Municipal Corporation Act, 1919, prohibiting the Mayor from debarring a councillor for more than one day, when the relevant provision under the Act speaks about the power of suspension only for one day, the Mayor cannot go beyond it. In any event, it is assured, on behalf of the respondents, that the petitioner would be permitted to attend the subsequent meetings of the Council to which, the learned counsel for the petitioner would respond, by stating that the petitioner has not, so far, conducted himself in an inappropriate manner and hereinafterwards also, he will continue to do so and maintain the decorum of the Council. Recording the statements made on both sides, the writ petition is disposed of. It is made clear that there is no prohibition for the petitioner to attend the rest of the meetings of the Council. No costs. Connected M.P. is closed.

nv

s/d-

Assistant Registrar(T&P)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
2. The Mayor,
The Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

+ 1 cc to Mr.P.V.Selvakumar, Advocate SR 58054

+ 1 cc to M/s.Ramasamy Law Associates, SR 58212

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