

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.5740 of 2009

and

M.P.No.1 of 2009

E.Arul

.. Petitioner

-vs-

- 1.The Government of Tamil Nadu,
rep. by its Chief Secretary,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Government of Tamil Nadu,
rep. by its Secretary,
Department of Municipal Administration,
Secretariat, Fort St. George,
Chennai-600 009.
- 3.The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.
- 4.The Chairman,
Maraimalai Nagar Municipality,
Maraimalai Nagar,
Chengalpat Taluk,
Kancheepuram District.
- 5.The Vice Chairman,
Maraimalai Nagar Municipality,
Maraimalai Nagar,
Chengalpat Taluk,
Kancheepuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of declaration declaring that the provisions laid down in sub section 2 namely "Written notice of intention to make the motion, in such form as may be fixed by the (State Government), signed by such number of councilors as shall constitute not less than (three-fifth) of the sanctioned strength of the council, together with a copy of the motion

which is proposed to be made, shall be delivered by any two of the councilors signing the notice in person together, to the (Regional Director of Municipal Administration)" and in sub section 12 namely "If the motion is carried with the support of not less than (four-fifth) of the sanctioned strength of the council, the (State Government) shall, by notification, remove the (Chairman or Vice-Chairman)" of Section 40-A of Tamil Nadu District Municipalities Act, 1920 as amended by Tamil Nadu Municipal Laws Amendment Act (Tamil Nadu Act 37 of 2007) are arbitrary, ultra vires and against the rights guaranteed under the Constitution and consequently such provisions are liable to be quashed.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.STS.Moorthy
Govt. Pleader for R1 to R3

ORDER

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

The learned counsel for the petitioner seeks to withdraw the writ petition. Endorsement has been made.

2. The writ petition is dismissed as withdrawn. No costs. Consequently, M.P.No.1 of 2009 is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1.The Government of Tamil Nadu,
rep. by its Chief Secretary,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Government of Tamil Nadu,
rep. by its Secretary,
Department of Municipal Administration,
Secretariat, Fort St. George,
Chennai-600 009.

3.The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.

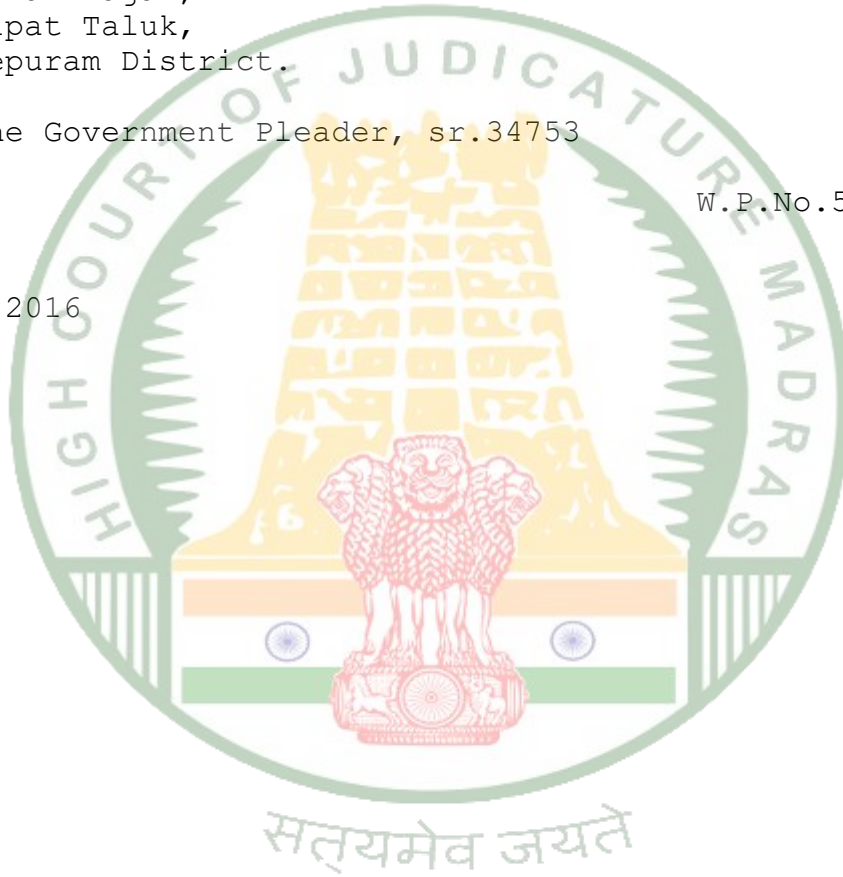
4.The Chairman,
Maraimalai Nagar Municipality,
Maraimalai Nagar,
Chengalpat Taluk,
Kancheepuram District.

5.The Vice Chairman,
Maraimalai Nagar Municipality,
Maraimalai Nagar,
Chengalpat Taluk,
Kancheepuram District.

1 cc to The Government Pleader, sr.34753

W.P.No.5740 of 2009

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