



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2021

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P (MD) No.12331 of 2021

and

W.M.P. (MD) No.9686 of 2021

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S.Chandra,
Chariman,
Kadamalai-Mayiladumparai Panchayat Union,
Andipatti Taluk, Theni District.

... Petitioner

Vs.

- 1.State Represented by its
Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
St.George Fort, Chennai - 600 009.
- 2.The District Collector,
Theni District, Theni.
- 3.The Sub Collector cum Revenue Divisional Officer,
Periyakulam, Theni District.
- 4.The Revenue Divisional Officer,
Revenue Divisional Office,
Periyakulam, Theni District.

... Respondents

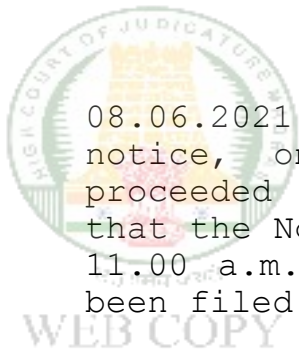
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned No-Confidence Motion Meeting Notice dated 23.07.2021 issued by the 3rd respondent herein in Na.Ka.No.2071/2021/A2 dated 05.07.2021 and quash the same as illegal.

For Petitioner : Mr.S.Vikram
For Respondents : Mr.Lingadurai,
Government Advocate.

ORDER

This writ petition has been filed challenging the impugned notice, dated 05.07.2021, issued by the third respondent calling for a No Confidence Motion Meeting, on 23.07.2021.

2.The petitioner is the Chairman of the Panchayat Union and he was elected, on 04.03.2020. Nearly 9 out of 14 members gave a written notice to the third respondent expressing their intention to move a No Confidence Motion against the petitioner. The third respondent issued a show cause notice to the petitioner along with the statement of charges and the notice calling for the meeting, on



08.06.2021. The petitioner gave a detailed explanation for the said notice, on 25.06.2021. Thereafter, the third respondent had proceeded to issue the impugned notice by informing the petitioner that the No Confidence Motion Meeting will be held, on 23.07.2021 at 11.00 a.m. Aggrieved by the same, the present writ petition has been filed before this Court.

3.Heard Mr.S.Vikram, learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

4.This Court has carefully considered the submissions made by the learned counsel for the petitioner and the materials available on record.

5.It is seen from records that the notice has been issued in accordance with the procedure that has been laid down under Section 212 of the Tamil Nadu Panchayats Act, 1994 (herein after referred as 'the Act'). The grievance of the petitioner is that the so called notice that was issued by 9 members out of 14 members of the union is completely false, since two of the members are in support of the petitioner and therefore, only 7 members out of 14 members have actually issued notice calling for No Confidence Motion. Therefore, the learned counsel for the petitioner submitted that the notice does not satisfy the requirements of Section 212 (2) of the Act.

6.In the considered view of this Court, the notice that has been filed before this Court shows that it has been signed by 9 members out of 14 members of the union. Whether out of the 9 members, two of them are in support of the petitioner is an issue, which will be known only at the time of the meeting. This Court cannot find out as to how many members actually are against the petitioner and that is beyond the purview of the jurisdiction of this Court under Article 226 of the Constitution of India.

7.In view of the above discussion, this Court does not find any ground to interfere with the impugned notice issued by the third respondent and accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

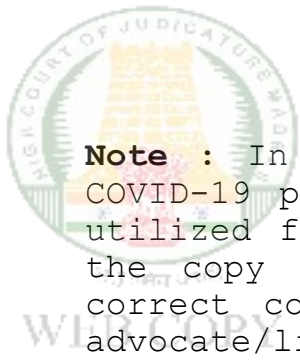
Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
St.George Fort, Chennai - 600 009.
 2. The District Collector,
Theni District, Theni.
 - 3.The Sub Collector cum Revenue Divisional Officer,
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 - 4.The Revenue Divisional Officer,
Revenue Divisional Office,
Periyakulam, Theni District.
- +1 CC to M/s.GP (SR-23699[F] dated 23/07/2021)

W.P (MD) No.12331 of 2021
22.07.2021

RK (30.07.2021) 3P 6C