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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.Nos.160 and 161 of 2022

S.A.Selvi .. Appellant in WA No.160/22

Jhansi Mary Thangarasan .. Appellant in WA No.161/22

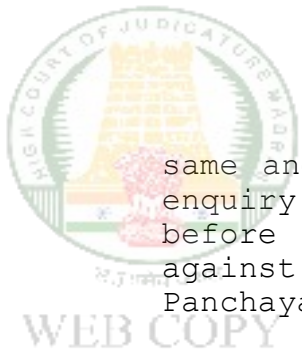
Vs.

1. The State of Tamil Nadu
Rep. by its Secretary
Rural Development & Panchayat Raj Department
Fort St. George, Chennai.
2. The District Collector
Cuddalore District Collectorate
Cuddalore
3. The Revenue Divisional Officer
Virudachalam Division, Cuddalore.
4. The Block Development Officer
Nallur Panchayat Union
Nallur, Cuddalore District.

.. Respondents in both W.As

Prayer: Appeals filed under Clause 15 of the Letters Patent Act against the common order dated 19.01.2022 made in W.P.Nos.589 & 592 of 2022 respectively.

Commo Prayer in WP.Nos.589 & 592 of 2022:- Writ Petitions filed under article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the third respondent issued in Na.Ka.No.A3/4640/2021, dated 27.12.2021 and the consequential Notice in Na.Ka.No.A3/4640/2021, dated 04.01.2022 and quash the



same and consequently direct the third respondent to conduct an enquiry into the complaint made by the Petitioners on 29.12.2021 before proceeding with the enquiry for "No confidence Motion" against the petitioners under section 212 of the Tamil Nadu Panchayats Act 1994.

For the Appellants : Mr.V.Vijay Narayan
Senior Counsel
For Mr.c.Vigneswaran

For the Respondents : Mr.R.Shunmugasundaram
Advocate General
Assisted by
Mr.T.N.C.Kaushik, Addl.G.P.

JUDGMENT

(Judgment of the Court was delivered by
the Hon'ble Acting Chief Justice)

These appeals have been filed challenging the order dated 19.01.2022.

2. This Court, while hearing the appeals, passed a detailed order on 02.02.2022, pursuant to which, the second respondent has filed an additional counter. It is submitted, in the additional counter, that as against the total strength of Union Council of 21 members, the required number to move a No Confidence Motion is 3/5th, namely minimum 13 members. The Motion was moved by 14 Members. But, immediately thereupon, an allegation was made regarding the forged signatures of two Members.

3. According to learned Additional Government Pleader, an enquiry was conducted and found that the signatures of two Members were forged and thus, the application for No Confidence Motion was not taken into consideration, in the light of the fact that the required number of Members was lacking.

4. In view of the above, the appeal has become infructuous. However, the aforesaid facts have been recorded for clarity, in reference to the proposed action for No Confidence Motion. Accordingly, the judgment under challenge is set aside and the



appeal is disposed of with the aforesaid. There will be no order as to costs. CMP Nos.1086 and 1089 of 2022 are closed.

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Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

kpl/drm

To:

1. The Secretary
Rural Development & Panchayat Raj Department
Fort St. George, Chennai.
2. The District Collector
Cuddalore District Collectorate
Cuddalore
3. The Revenue Divisional Officer
Virudachalam Division, Cuddalore.
4. The Block Development Officer
Nallur Panchayat Union
Nallur, Cuddalore District.

+1cc to the Government Pleader, S.R.No.9051

W.A.Nos.160 and 161 of 2022

SSI (CO)
SU(17/02/2022)