



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7487 of 2022

and

W.M.P.[MD]No.5670 of 2022

WEB COPY

B.Sudha

... Petitioner

/Vs./

1. The Principal Secretary to Government,
Municipal Administration and Water Supply
Department,
Secretariat, Fort St.George,
Chennai-600 009.

2. The District Collector,
Office of the District Collector,
Tiruchirapalli District,
Tiruchirapalli -620 001.

3. The Regional Director of Municipal
Administration,
Gandhiji Road,
Thanjavur-613 001.

4. The Commissioner,
Manapparai Municipality,
Manapparai,
Tiruchirapalli District-621 306.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 4th respondent to consider the representation of the petitioner dated 01.04.2022 and act in accordance with law by permitting the petitioner to convene the first Council Meeting of the Manapparai Municipality within the time stipulated by this Court.

For Petitioner : Mr.M.Sricharan Rangarajan
for Mr.P.Mahendran

For Respondents : Mr.D.Sasikumar

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the fourth respondent to consider the representation of the petitioner dated 01.04.2022 requesting him to prepare agenda permitting the petitioner to convene the first Council Meeting of the Manapparai Municipality, in accordance with Rule 3 of the



Schedule III of the Tamil Nadu District Municipalities Act, 1920, within a time frame to be fixed by this Court.

2. According to the petitioner, as per the aforementioned Rule, the Commissioner of Manapparai Municipality will have to prepare agenda to enable the petitioner, who is the chairman of the Municipality to convene the meeting. According to the petitioner, despite several representations including the last representation on 01.04.2022, the fourth respondent has not prepared the agenda in terms of Rule 3 of the Schedule III of the Tamil Nadu District Municipalities Act, 1920. In such circumstances, the petitioner, who is the Chairman of the Manapparai Municipality, has filed this writ petition.

3. Heard Mr.M.Sricharan Rangarajan, learned Counsel for the writ petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4.

4. The Rule 3 of the Schedule III of the Tamil Nadu District Municipalities Act, 1920 reads as follows:

"SCHEDULE III

RULES REGARDING PROCEEDINGS OF THE COUNCIL

.....

(3) *In Municipalities in which there is a commissioner, the agenda for the meeting shall be prepared by the commissioner in consultation with the Chairman. The commissioner may include in the agenda any subject which in his opinion should be considered by the Council and shall include therein any subject specified by the Chairman. On any subject included in the agenda, the Chairman as well as the commissioner shall have the right of recording his views in a note and such note shall be circulated to the Councillors or placed before the Council before or at the time of the consideration of such subject by the Council."*

4. As seen from the aforementioned Rule, agenda for the meeting will have to be prepared by the fourth respondent in consultation with the Chairman of the Municipality. In the instant case, the petitioner is the Chairman and therefore, in consultation with the petitioner, the fourth respondent will have to convene the meeting.

5. The case of the petitioner is that without preparation of the agenda, the petitioner is unable to convene any meeting in respect of Manapparai Municipality. The petitioner has given representations to the fourth respondent requesting him to prepare agenda in terms of the aforementioned Rule and the last such representation was given on 01.04.2022.



6.No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, in the light of Rule 3 of the Schedule III of the Tamil Nadu District Municipalities Act, 1920.

7.For the foregoing reasons, this Court directs the fourth respondent to consider the petitioner's representation dated 01.04.2022 requesting him to prepare agenda in terms of the Rule 3 of the Schedule III of the Tamil Nadu District Municipalities Act, 1920 on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Principal Secretary to Government,
Municipal Administration and Water Supply
Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The District Collector,
Office of the District Collector,
Tiruchirapalli District,
Tiruchirapalli -620 001.
3. The Regional Director of Municipal Administration,
Gandhiji Road, Thanjavur-613 001.
4. The Commissioner,
Manapparai Municipality,
Manapparai, Tiruchirapalli District-621 306.

+1 CC to M/s.P. MAHENDRAN, Advocate (SR-19949[F] dated 21/04/2022)
+1 CC to M/s.SPL.GP (SR-20069[F] dated 21/04/2022)

order made in

W.P. [MD]No.7487 of 2022

Dated:**20.04.2022**

NSN (CO) GC (02.05.2022) 3P 7C

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