



W.P.(MD).No.21664 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.21664 of 2022

M.Sathiyaraj

... Petitioner

vs.

1. The District Collector,
Theni District,
Theni.

2. The Tahsildar,
Aundipatti Taluk,
Theni District.

3. The President,
Mottanuthu Panchayat,
Aundipatti Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first and second respondents to consider the petitioner's representation dated 25.07.2022, 01.08.2022 and 05.08.2022, within the time frame stipulated by this Court.



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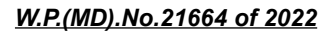
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For Petitioner : Mr.M.Pounraj
For R1 & R2 : Mr.D.Gandhiraj
Special Government Pleader
For R3 : Mr.A.Kannan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the first and second respondents to considering the petitioner's representation dated 25.07.2022, 01.08.2022 and 05.08.2022, within the time frame stipulated by this Court.

2. The case of the petitioner is that Mottanuthu Panchayat is a large village located in Aundipatti Taluk, Theni District and it is administered by the Panchayat President along with 12 Ward Members, as per the Panchayat Act. Among 12 Ward Members, one Mrs.K.Veluthai was elected as Vice President and she took charge on 21.01.2020. She is wilfully disobeying and acting against the rules and regulations of the Panchayat Act. In such circumstances, 'No Confidence Motion' letter was



3. The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that in the No Confidence Motion Letter, only seven ward members were signed out of twelve ward members. As per Sub-section 2 of Section 211 of the Tamil Nadu Panchayats (Amendment) Act, 1994, not less in number than three fifth of the sanctioned strength should sign.



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4. Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.A.Kannan, learned Additional Government Pleader appearing for the third respondent.

5. Here is the case where twelve ward members, out of which eight ward members should sign in no confidence motion, instead of that only seven ward members were signed, which is not as per the Rules established under the Tamil Nadu Panchayat Act, 1994. Hence, the petitioner's representation was not considered by the authorities concerned as it is not with the coram and rightly not acted upon.

6. In the result, this Writ Petition is dismissed. However, the petitioner is at liberty to proceed as per law. No costs.

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To

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V.BHAVANI SUBBAROYAN,J.

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