



W.P.(MD).No.26730 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.26730 of 2022

and

W.M.P.(MD).No.20932 of 2022

M.Muthulakshmi

... Petitioner

vs.

1.The Tirunelveli City Municipal Corporation,
Council through the Mayor,
Tirunelveli City Municipal Corporation,
Tirunelveli.

2.The Mayor,
Tirunelveli City Municipal Corporation,
Tirunelveli.

3.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

4.The Assistant Commissioner,
(Administration),
Tirunelveli City Municipal Corporation,
Tirunelveli.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the impugned Agenda Resolution No.10 of the first respondent dated 30.11.2022 and quash the same as illegal.

For Petitioner : Mr.M.Ajmad Khan, Senior counsel for
Mr.S.Angappan

For R1 to R4 : Mr.Veerakathiravan
Additional Advocate General
assisted by Mr.A.Sivanpandian
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned Agenda Resolution No.10 of the first respondent, dated 30.11.2022 and to quash the same.

2. The case of the petitioner is that she was selected as Councilor in Ward No.2, Thachanallur, by way of election on 22.02.2022. Due to severe pain, she was not able to attend the council meeting on 29.07.2022. Thereafter, she could not able to attend the next council



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meeting convened in the month of August 2022. She has received the Corporation Agenda, which is scheduled on 20.10.2022 and in the Resolution No.10, it has been stated that the petitioner and another ward member have not appeared for the Council meeting for three times. Hence, the Council will decide to take action against them under Section 59(1) of the Coimbatore Municipal Corporation Act, 1981. Challenging the same, the petitioner has filed a writ petition in W.P.(MD).No.23981 of 2022 before this Court and the another ward member has also filed a writ petition in W.P.(MD).No.24078 of 2022 and both the writ petitions were disposed of on 09.11.2022. Thereafter, they filed suits in O.S.Nos.360 and 376 of 2022 before the Additional Subordinate Court, Tirunelveli. This Court, by order dated 09.11.2022, directed the Subordinate Court to dispose of the suits on or before 31.03.2021. Now, the agenda has been again placed in the meeting scheduled on 30.11.2022. Challenging the Agenda Resolution No.10 of the first respondent, dated 30.11.2022, the present writ petition has been filed.



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3. The learned Additional Advocate General appearing for the respondents would submit that they have placed the said Agenda only for the recordable purpose and nothing more the same is recorded and no discussion regarding the said Agenda and also no decision has been taken regarding the said Agenda, which is the subject matter of the pending suits in O.S.Nos.360 and 376 of 2022.

4. Recording the said submission, this Writ Petition is closed and the authorities are directed to proceed as per the direction issued in the earlier writ petition. No costs. Consequently, the connected Miscellaneous Petition is closed.

28.11.2022

akv



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V.BHAVANI SUBBAROYAN,J.

akv

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