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W.P.(MD)NO.27729 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27729 of 2022 and
W.M.P.(MD)No.21829 of 2022

C.Johnson

... Petitioner

Vs.

1. The Director of Municipal Administration,
No.75, Urban Administrative Building,
Santhom Road, Chennai 28.
2. The District Collector,
Kanyakumari District @ Nagercoil.
3. The Regional Director Municipal Administration,
Tirunelveli.
4. The Commissioner,
Colachel Municipality,
Colachel, Kanyakumari District.
5. Nazir,
The Chairman, Colachel Municipality,
Colachel, Kanyakumari District.
6. Vijayakumar
The Commissioner,
Colachel Municipality, Colachel,
Kanyakumari District.
7. The Secretary to Government,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
Chennai.
(R-7 is suo motu impleaded vide
Order dated 23.12.2022)

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the respondents 5 and 6 by cancelling the 4th respondent council's illegal resolutions dated 26.10.2022 and 09.11.2022 to considering the joint representation dated 26.10.2022, 10.11.2022 and 12.11.2022 of the 4th respondent councilors.

For Petitioner : Mr.K.Vamanan

For R-1 to R-3
&R-7 : Mr.G.Suriyananth,
Additional Government Pleader.

For R-4 : Mr.P.Athimoola Pandian

For R-5 : Mr.G.Prabhu Rajadurai

For R-6 : Mr.Arun Jeyatram

* * *

ORDER

The petitioner is a member of Colachel Municipality. The petitioner alleges that the impugned resolutions moved by the municipal council were opposed by overwhelming majority. According to him, the resolutions were improperly declared as unanimously passed. Though the petitioner gave a



complaint before the District Collector, he had not taken any action. That led to the filing of the writ petition.

2. The learned counsel appearing for the fifth respondent submitted that the impugned resolutions merely gave effect to the Government directives and that they cannot be characterised as illegal by any standard. He would further add that the resolution was originally passed unanimously. Subsequently, the petitioner appears to have aggrieved.

3. I refrain from going into the rival controversy. The petitioner's counsel points out that the representation enclosed in the typed set of papers has been signed not only by the petitioner but also 13 other councilors. The petitioner is permitted to submit a fresh representation before the impleaded respondent along with this order copy. On receipt thereof, the Government shall consider the same and pass order on merits and in accordance with law within a period of eight weeks thereafter. The municipal commissioner is directed to make available the copies of the resolutions dated 26.10.2022 and 09.11.2022 to the petitioner immediately.



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4. This writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

23.12.2022

Index : Yes / No

Internet : Yes/ No

PMU

Note : Issue order copy on 23.12.2022.

To:

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Santhom Road, Chennai 28.
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5. The Secretary to Government,
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G.R.SWAMINATHAN,J.

PMU

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23.12.2022