



WP No.2205 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2023

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THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Brezhnev

... Petitioner

versus

1.The State of Tamil Nadu,
rep. By its Additional Chief Secretary,
St.George Fort,
Secretariat, Chennai.

2.The Ministry of Municipal Administration & Water Supply,
St.George Fort,
Secretariat, Chennai.

3.Directorate of Municipal Administration,
rep. By its Director,
No.75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalai Puram, Chennai 28

4.The Department of Municipal Administration and Water Supply,
rep. By its Additional Chief Secretary,
St.George Fort, Secretariat, Chennai.

5.The Greater Chennai Corporation,
rep. By its Commissioner,



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Rippon Building, Chennai 3

... Respondents

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Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari to call for the records in G.O.Ms.No.92, Municipal Administration and Water Supply (Election) dated 24.06.2022; Gazette Notification NO.358 dated 24.06.2022 issued by the first respondent and Circular issued by the Greater Chennai Corporation, Revenue Department dated 23.10.2022 and quash the same.

For the Petitioner : Mr.M.Leo Prabhu
for M/s.Nathan and Associates

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for respondents 1 to 4.

Mr.A.Arun Babu,
for Chennai Corporation,
for fifth respondent

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed challenging the Government Order in G.O.Ms.No.92, Municipal Administration and Water Supply (Election) dated 24.06.2022.

2. Learned counsel for the petitioner submitted that when the 73rd and 74th Constitution Amendment Acts, in 1992 provided constitutional mandate for



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decentralisation of governance and creating units of local self-government at the rural and urban settlement levels with a view to ensure democracy by giving equal representation to the people living therein, the object of the Act has to be followed. But the Government order does not reflect that equal representation has been given to the people living in a particular area, division and village. Therefore, the said order issued by the first respondent and the subsequent notification being violative of Article 14, are liable to be set aside as arbitrary and unjustifiable. Moreover, the notification issued by the first respondent is also contravening Article 21 of the Constitution of India because when Article 21 says that the personal liberty cannot be deprived except according to the procedure established by law, the impugned notification published being invalid, is liable to be set aside. Moreover, the impugned Government Order is also infringing Articles 243-P, 243-Q, 243-R, 243-S and 243-T of the Constitution of India as they lack in the composition of Municipalities, constitution and composition of Wards Committees. When the rules are made by the State or the Central Government, they cannot exceed the power granted by parent statute. But in the present case, the impugned Government Order dated 24.06.2022 does not throw any light on the reservation to be made for the weaker sections living in that particular area.

3. We are unable to find any merit in any of the arguments advanced by



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the learned counsel for the petitioner. The Government Order in G.O.Ms.No.92 dated 24.06.2022 has been issued for the composition of wards committee, mentioning clearly the qualifications and disqualifications of member of ward committee and also the procedure for nomination of a member of a ward committee. This apart, Rule 9 also deals with determination of areas. Rule 11 deals with functions, duties and powers of area sabha. Rule 11(2) says that the area sabha can make representation about grievances and suggestions on civic amenities to the council. Therefore, the petitioner is always entitled to make a representation under Rule 11(2) in case of any grievances. Rules are made in consonance with the provisions contained in Section 5-A to 5-H of the Chennai City Municipal Corporation Act or such other Act as the case may be. Hence, we are not able to find any grievance or practical problems mentioned by him in the affidavit, for filing this writ petition.

4. The writ petition, therefore, fails and the same is dismissed. There will be no order as to costs. Consequently, WMP No.2284 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
27.01.2023

Index : Yes/No
Neutral Citation : Yes/No



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To

1.The Additional Chief Secretary,
State of Tamil Nadu,
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2.The Ministry of Municipal Administration & Water Supply,
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3.The Director,
Directorate of Municipal Administration,
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Department of Municipal Administration and Water Supply,
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and
D.BHARATHA CHAKRAVARTHY, J.

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