



WEB COPY



W.P.No.11343 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.11343 of 2022
and W.M.P.No.10878 of 2022

1.R.Lakshmi
2.D.Palanisamy
3.M.A.Palanisamy
4.P.Paramasivam
5.C.Valarmathi

.. Petitioners

Versus

1.The District Collector,
Erode Collectorate,
Erode – 638 009.

2.The Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat, Chennai – 600 009.

3.The State Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opp. CMBT, Arumbakkam,
Chennai – 600 106.

4.Preethi

.. Respondents



W.P.No.11343 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 04.02.2022 and 25.03.2022 within a time frame to be fixed by this Court and notify the removal of the 4th respondent from the post of Vice-Chairman of the Kodumudi Panchayat Union under Section 212(13) of the Tamil Nadu Panchayats Act, 1994 and consequently notify election to the said post within a time frame to be fixed by this Court.

For Petitioner : Mr.Richardson Wilson

For Respondents

R1 to 2 : Mr.N.Naveenkumar
Government Advocate

R3 : Mr.Shivashanmugam

R4 : Mr.C.Prakasam

ORDER

This writ petition has been filed to direct the 1st respondent to consider the petitioner's representation dated 04.02.2022 and 25.03.2022 and notify the removal of the 4th respondent from the post of Vice-Chairman of the Kodumudi Panchayat Union under Section 212(13) of the Tamil Nadu Panchayats Act, 1994, and consequently notify election to the said post within a time frame to be fixed by this Court.



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2. This Court, by an order dated 09.01.2023, directed the learned Government Advocate to file an action taken report in this regard by the Government before the next date of hearing. Accordingly, the learned Government Advocate produced the communication report to the Principal Secretary, Tamil Nadu Rural Development and Panchayat Raj, Chennai, to Revenue Divisional Officer, Erode, to find out whether the members voted against the Vice-President are still in the same mode or not. Such letter itself, in view of this Court is not according to law and it has been issued to protract the order to give undue advantage to the person who was already removed legally as contemplated under law. If such confirmation is required for every resolution, there will be no end in taking decisions as per law.

3. In such view of the matter, as per the earlier resolution passed, it is the duty of the Government to notify as per Section 212(13) of the Tamil Nadu Panchayats Act, 1994, and the same shall be done within a period of two weeks from the date of receipt of a copy of this order.



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4. With the above direction, the writ petition stands disposed of. No

costs. Consequently, connected miscellaneous petition is closed.

30.01.2023

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Index : Yes / No

Speaking Order : Yes / No

To

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N.SATHISH KUMAR, J.

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