



W.P(MD)No.3296 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3296 of 2023

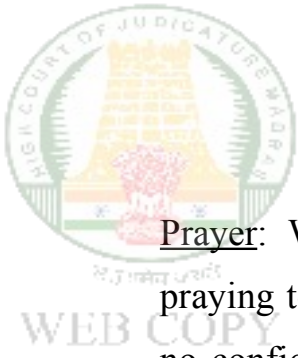
D.Jeya Senthil Kumar

... Petitioner

Vs

- 1.The Director of Town Panchayats,
7th and 8th Floors,
Urban Administrative Office Campus,
75, Santhome High Road,
Raja Annamalai Puram,
Chennai – 600 028.
- 2.The District Collector,
Nagercoil,
Kanyakumari District.
- 3.The Assistant Director of Town Panchayats,
Office of the Collectorate,
Nagercoil, Kanyakumari District.
- 4.The Executive Officer,
Vilavoor Town Panchayats,
Moolachal,
Mekkamandapam Post,
Kanyakumari District.
- 5.The President,
Vilavoor Town Panchayat,
Moolachal,
Mekkamandapam Post,
Kanyakumari District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to initiate no confidence motion as against the fifth respondent based on the petitioners representation dated 14.05.2022, within a stipulated time fixed by this Court.

For Petitioner : Mr.C.Kishore

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

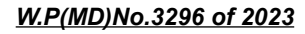
ORDER

Heard the learned counsel on either side.

2.The petitioner is a member of the fifth respondent local body. It is a town panchayat. Therefore, the provisions of the Tamil Nadu District Municipalities Act, 1920, will apply. The petitioner wants this Court to direct the authority to convene the meeting to discuss about the no confidence motion against the fifth respondent. Section 40-A(2) of the Tamil Nadu District Municipalities Act, 1920, reads as under:

“40-A. Motion of no confidence in [Chairman or] Vice-Chairman .-

(2) Written notice of intention to make the motion, in such form as may be fixed by the [State Government], signed by such number by Councillors as shall constitute not less than [three-



3. In this case, the sanctioned strength of the council is 15. The expression used in the said Act is “not less than $\frac{3}{5}$ ”. In this case only 8 councillors are signed the representation. He does not satisfy the requirement of “not less than $\frac{3}{5}$ of the sanctioned strength”. Since the statutory requirement is not fulfilled, I am not inclined to issue the Mandamus sought for at this stage. If the petitioner can mobilise the requisite strength as laid down in the aforesaid statutory provision, then of course the petitioners can once again move this Court for relief.

4. The writ petition is dismissed for the present without notice to the respondents. There shall be no order as to costs.

20.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



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G.R.SWAMINATHAN, J.

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