



W.P.(MD) No.25863 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :05.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.25863 of 2023
and
W.M.P.(MD) No.22200 of 2023

- 1.S.Ramesh
- 2.A.John Britto
- 3.M.Abdulraheem
- 4.J.Sherley Florence
- 5.C.Johnson
- 6.P.Chandra Viola
- 7.P.Pani Kurusu
- 8.L.Mary
- 9.M.Thilaga
- 10.S.Sheela Jeyanthi
- 11.C.Vinesh
- 12.K.Sajeela



W.P.(MD) No.25863 of 2023

13.F.Lawrence

... Petitioners

Vs.

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu
Chennai 600 009.

2.The District Collector,
Collectorate,
Nagercoil,
Kanniyakumari.

3.The Regional Director,
Municipal Administration,
Tirunelveli.

4.The Commissioner,
Colachel Municipality,
Colachel,
Kanniyakumari.

5.A.Nazir

6.Vijayakumar

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to dispose the Representations given by the petitioners on 01.09.2023 to the Respondents within the time limit that may be stipulated by this Court and to take appropriate action against 5th and 6th respondents and cancel the 5th



W.P.(MD) No.25863 of 2023

respondent's resolutions illegally passed dated 31.08.2023 and to direct the respondents to appoint a Supervisor to monitor the Municipality Council Meetings till the pendency of the petitioner representation being considered.

For Petitioners : Mr.W.Cleetus
For R1 to R3 : Mr.M.Prakash
Additional Government Pleader
For R4 : Mr.P.Athimoolapandian
For R5 : Mr.J.Prabu Rajadurai

ORDER

Heard both sides.

2.The writ petitioners are the members of Colachel Municipality. There are totally 24 members in the Municipal Council. 13 of them have come before me to file the writ petition. They allege that the petition mentioned resolutions were improperly declared as unanimously passed. Therefore, they gave a complaint before the second respondent/the District Collector, Kanyakumari, for taking action. Since no action was taken, the present writ petition came to be filed.



W.P.(MD) No.25863 of 2023

WEB COPY

3.The learned counsel appearing for the Commissioner states that the then Commissioner had been transferred to Tambaram and that the question of maintaining the writ petition against the 6th respondent does not really arise.

4.The learned counsel for the Chairman submitted that the resolutions are rather innocuous and that there is nothing to characterise them as illegal by any standard. He asserted that the resolutions were passed unanimously.

5.The merits of the matter need not be gone into at this stage. In any event, it is the first respondent who must take a call. The third respondent is said to have already forwarded the complaint to the first respondent. The first respondent shall consider the complaint and all the attendant circumstances and pass orders on merits and in accordance with law as expeditiously as possible. The present Municipal Commissioner shall make available all the relevant records for consideration of the first respondent.



W.P.(MD) No.25863 of 2023

WEB COPY

6.The Writ Petition is disposed of, accordingly. No costs.

Consequently, connected Miscellaneous Petition is closed.

05.12.2023

NCC :No
Internet :Yes
Index :No

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To

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W.P.(MD) No.25863 of 2023

G.R.SWAMINATHAN, J.

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W.P.(MD)No.25863 of 2023

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