



WEB COPY



*W.P.No.28388 of 2024
and W.M.P.No.30952 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.28388 of 2024
and W.M.P.No.30952 of 2024

R.Prabhakaran

...

Petitioner

Vs.

1.The Commissioner,
Coimbatore Municipal Corporation,
Big Bazar Street,
Town Hall, Coimbatore - 641 001.

2.The Council Secretary,
The Coimbatore Municipal Corporation,
Big Bazar Street, Town Hall,
Coimbatore - 641 001.

3.The Mayor,
The Coimbatore Municipal Corporation,
Big Bazar Street, Town Hall,
Coimbatore - 641 001.

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Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus, directing the respondents to permit the petitioner to participate in the ensuing council meeting of the respondent corporation by considering petitioner's representation dated 16.09.2024.



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For Petitioner : Mr.B.Nedunchezhiyan
For Respondents : Mr.Najeeb Usman Khan
Standing Counsel

ORDER

This Writ Petition has been filed for direction to the respondents to permit the petitioner to participate in the ensuing council meeting of the respondents' Corporation by considering his representation dated 16.09.2024.

2. The petitioner is the elected ward member of Ward No.47 of the Coimbatore Municipal Corporation. He belongs to the opposite party. He has been elected as ward member from 2001 onwards, i.e. 2001, 2006, 2011, 2021. The Coimbatore Municipal Corporation containing 100 ward members, in which only 3 members were elected from the opposite party. Therefore, if the petitioner raises any voice, he was prevented to raise any voice in respect of any issues. When the petitioner raises voice in respect of some important issues, he was not permitted to raise his voice. Therefore, the petitioner was suspended for a period of 3 months, that is, not to attend any council meetings for 3 months.



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However, the petitioner was not served with any order of suspension.

Hence, the petitioner submitted a representation dated 16.09.2024 to permit him to attend the next council meeting.

3. Heard the learned counsel on either side and perused the materials available on records.

4. On perusal of the counter filed by the respondents and also the submission made by the Standing Counsel for the respondents revealed that, the petitioner was suspended by the resolution dated 13.09.2024 for a period of 3 months, that is, he has been suspended from attending any council meetings for 3 months. He was alleged that he had unnecessarily interfered with the proceedings in the council meeting and he has shown unruly behaviour. Therefore, all the members unanimously resolved to suspend the petitioner from attending the future meetings for a period of 3 months. Without even challenging the order of suspension, the representation submitted by the petitioner cannot be considered.



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5. It is seen that the petitioner is elected as a ward member of Ward No.47 of the Coimbatore Municipal Corporation. In fact, he was elected for the past 4 elections as a ward member. In order to raise his voice, he was elected as a ward member to represent on behalf of the general public of Ward No.47. Therefore, no ward member cannot be prevented to represent on the behalf of the general public of the respective ward. Mere raising objections cannot be said as unruly behaviour.

6. That apart, the order of suspension for a period of 3 months is not proportionate to the allegations levelled against the petitioner. Further, the order of suspension was not served to the petitioner at any point of time. It was also not approved in the Municipality website as per Rule 162 of the Tamil Nadu Urban Local Bodies Act, 2023. Therefore, the order of suspension cannot be sustained.

7. In view of the above facts and circumstances, the



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respondents are directed to permit the petitioner to participate in the ensuing council meeting. The petitioner is directed to behave properly in the council meeting.

8. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

- 1.The District Collector,
Rajaji Salai, 4th Floor,
62, Beach Road,
George Town,
Chennai - 600 001.
- 2.The Commissioner Corporation of Chennai,
Greater Chennai Corporation,
Rippon Building, No.1131,
EVR Periyar Salai,
Chennai - 600 003.
- 3.The Zonal Officer,
Zone No.15, Corporation of Chennai,
Sholinganallur, Chennai - 600 119.
- 4.The Tahsildar,
Sholinganallur Taluk,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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