



W.P(MD)No.4413 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4413 of 2024

and

W.M.P.(MD)No.4242 of 2024

Kamala Nehru

... Petitioner

Vs.

1.The District Collector,
Tirunelveli.

2.The Assistant Director
(Town Panchayat),
Tirunelveli.

3.The Chairman,
Selection Grade Town Panchayat,
Tisaiyanvilai,
Tirunelveli District.

4.The Executive Officer,
Selection Grade Town Panchayat,
Tisaiyanvilai,
Tirunelveli District.

5.Jansirani

6.Loveline Meba

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the 1st respondent to



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consider the petitioner's representation dated 02.02.2024 which is duly signed by all the other 9 councilors of the opposition party demanding cancellation of the resolution passed by the council meet of the Selection Grade Town Panchayat of Tisaiyanvilai, Tirunelveli District dated 30.01.2024 and to convene a fresh council meet for passing appropriate resolutions pertaining to the welfare of the inhabitants of Tisaiyanvilai Town Panchayat, for enhancing the revenue for the Selection Grade Town Panchayat of Tisaiyanvilai and also for instituting appropriate measures for upgrading the General Market at Tisaiyanvilai by appointing an independent officer under the supervision of the above 1st respondent within the time frame stipulated by this Court.

For Petitioner : Mr.B.N.Raja Mohamed

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 to R3.
Mr.S.Kameswarn,
Govt. Advocate for R4.
Mr.Rajarajan for R5 & R6.

ORDER

Heard both sides.



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2.The petitioner is a ward councillor in Tisaiyanvilai Selection Grade Town Panchayat. She is aggrieved by the resolution passed on 30.01.2024. The petitioner wants this Court to direct the first respondent to cancel the resolution. As rightly pointed out by the learned counsel for the fifth respondent, such prayer is not maintainable. Be that as it may, the petitioner can very well avail the remedy provided in Rule 164 of the Tamil Nadu Urban Local Bodies Rules, 2023. The said provision is as follows:-

“164. Cancellation or modification of a resolution already passed by the council.— (1) Any resolution passed by the council which requires cancellation or modification may be placed before the council in an ordinary meeting within three months from the date of passing such resolution. No resolution shall be modified or cancelled beyond the period of three months from the date of passing such resolution without getting prior permission from the Director.

(2) The council after taking into consideration all the relevant factors prevailing on the date of the meeting may either cancel or modify the resolution accordingly.

(3) The Commissioner shall send a report to the Director along with a copy of the resolution subsequently passed within fifteen days from the date of passing of such resolution.”



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3.If the petitioner moves any resolution for cancelling the earlier resolution dated 30.01.2024, it shall be placed within seven days of the requisition before the council. The proceedings that are to take place shall also be duly videographed. The Executive Officer shall be present in person when the meeting takes place.

4.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

05.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

- 1.The District Collector,
Tirunelveli.
- 2.The Assistant Director
(Town Panchayat),
Tirunelveli.
- 3.The Chairman,
Selection Grade Town Panchayat,
Tisaiyanvilai,
Tirunelveli District.



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4.The Executive Officer,
Selection Grade Town Panchayat,
Tisaiyanvilai,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

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