



W.P(MD)No.7287 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7287 of 2024

and

W.M.P.(MD)No.6710 of 2024

P.Selvaraj

... Petitioner

Vs.

- 1.The Director,
Directorate of Town Panchayats,
Chennai.
- 2.The Assistant Director (Town Panchayats),
Theni, Theni District.
- 3.The Executive Officer,
Palanichettipatti Town Panchayat,
Palanichettipatti,
Theni District.
- 4.The Chairperson,
Palanichettipatti Town Panchayat,
Palanichettipatti,
Theni District.

5.A.Mithunchakravarthi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the



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impugned order dated 29.02.2024 passed by the 4th respondent and quash the same as illegal.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.T.Villavankothai,
Addl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel on either side.

2.By proceedings dated 29.02.2024, the fifth respondent had suspended the petitioner from participating in the council meetings. The allegation made against the petitioner is that he employed unparliamentary language against a staff in the council meeting.

3.The petitioner denies the allegation.

4.I am not in a position to go into disputed question of facts. Section 42(3) of the Tamil Nadu Urban Local Bodies Act, 1998 reads as follows:-

“42. Resolution and orders of council

(3) The Director on satisfaction that such resolution or order of



the council contravenes all or any of the grounds referred to in sub-section (2), may cancel the resolution or order :

Provided that no resolution or order of the council shall be cancelled by the Director unless the council concerned is given a reasonable opportunity to make any representation within the time stipulated by the Director.

5.The impugned order is mere enforcement of the council resolution. Therefore, the petitioner is permitted to move the first respondent. As and when the appeal is received, it shall be disposed on merits and in accordance with law within a period of three weeks thereafter. The petitioner's counsel states that he will file an appeal in terms of the aforesaid provision within a period of seven days from the date of receipt of a copy of this order. If the petitioner files any appeal within seven days as aforesaid, unless the first respondent gives a disposal to the same within a period of three weeks thereafter, the impugned order will not be implemented. I make it clear that I have not gone into the matter. The issue is left to the discretion of the first respondent. It will not be implemented till the order is received from the first respondent.



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

25.03.2024

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

- 1.The Director,
Directorate of Town Panchayats,
Chennai.
- 2.The Assistant Director (Town Panchayats),
Theni, Theni District.



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G.R.SWAMINATHAN, J.

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