



W.P(MD)No.12777 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12777 of 2024

and

W.M.P.(MD)Nos.11367 and 11368 of 2024

Divan Mydeen

... Petitioner

Vs.

1.The Commissioner,
Kadayanallur Municipality,
Kadayanallur,
Tenaksi District.

2.The Chairperson,
Kadayanallur Municipality,
Kadayanallur,
Tenaksi District..

3.M.A.Habeebur Rahman,
The Chairperson,
Kadayanallur Municipality,
Kadayanallur,
Tenaksi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records on the file of the 2nd respondent pertinent to its impugned notice Nil dated for conducting the ordinary meeting in the 2nd respondent Municipality on 14.06.2024 at about 10.30 AM and to quash the same as illegal.



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For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.V.Muthuvelan,
Standing Counsel for R1 & R2.

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents 1 and 2.

2.The petitioner is the 13th ward councillor of Kadayanallur municipality. He questions the convening of council meeting on 14.06.2024. My attention is drawn to Rule 156 on Tamil Urban Local Bodies Rules 2023. Rule 156(2) reads as follows:-

“156. Ordinary meeting.— (2) The notice and the agenda for the meeting shall be in the name and with the signature of the Chairperson and shall be sent to all the members of the council at least six clear days before the date fixed for the meeting. For sufficient reasons, the Chairperson may, alter the date or the time of the meeting at any time by giving at least twenty four hours notice to the members.”

Of course, in the case of urgency, the chairperson may convene a meeting at a shorter notice. But in this case, Rule 156(3) has not been invoked. A reading



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of the agenda also does not indicate that there is any urgency involved. Rule 156 deals with ordinary meeting. The impugned notice also indicates that it is an ordinary meeting and not a special meeting as envisaged under Rule 157. The petitioner's specific case is that the notice was served only on 12.06.2024. There is nothing on record to show that the six clear days' notice was given. I, therefore, direct the respondents to convene the meeting of Kadaynallaur municipality by adhering to Rule 156 of Tamil Nadu Urban Local Bodies Rules, 2023. Since the notice was served on 12.06.2024, the meeting can very be convened on 19.06.2024.

3.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

13.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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