



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.409 of 2025
and W.M.P.Nos.469 & 473 of 2025

R.C.Raja

.. Petitioner

Vs.

1.State of Tamil Nadu rep. by its
Principal Secretary to Government,
Panchayat Raj Department,
Secretariat,
Chennai – 600 009.

2.The Inspector of Panchayat/District Collector,
Tiruvannamalai District,
Tiruvannamalai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to allow the Thandrampet Union Council to hold office for the full period of five years term as per section 18 and 22 of the Tamil Nadu Panchayat Act, 1994 till 14.12.2026.

For Petitioner .. Mr.S.Doraisamy

For Respondents .. Mr.J.Ravindran
Additional Advocate General

**ORDER**

This writ petition has been filed in the nature of a mandamus seeking a direction against the respondents to allow the Thandrampet Union Council to hold office for the full period of five years in accordance with Section 18 and 22 of the Tamil Nadu Panchayat Act, 1994.

2.The writ petitioner had contested in the election for Thandrampet Panchayat Union and was elected as a Member of Ward No.12. He had taken oath on 06.01.2020. On and from that date he effectively discharged the duties as a Ward Member of the Ward No.12 at Thandrampet Panchayat Union.

3.The learned counsel for the petitioner brings an interpretation that the petitioner should be permitted to hold office for a period of five years from the date on which the first meeting was held. It is contended that the first meeting was held in December, 2020. If the Village Panchayat President and other office bearers take a decision to call for a meeting at a later date that could not extend the period of term. The period of term commences from with the date on which the oath is taken by the member and from that date onwards he is under obligation and duty to discharge the duties attached to his office. The duties attached to his office would also include



going around the locality for which he had been elected and discharging public work. Sections 18 and 22 of the Tamil Nadu Village Panchayat Act, 1994 cannot be interpreted in a narrow manner.

4. Section 18 of the Tamil Nadu Village Panchayat Act 1994 is as follows:

18. Duration of a Panchayat Union Council.- (1) *Every Panchayat Union Council unless sooner dissolved shall continue for five years from the date appointed for its first meeting after each ordinary election and no longer.*

(2) *Where a Panchayat Union Council is dissolved before the expiration of the said period of five years, election to reconstitute such Panchayat Union Council shall be completed in accordance with the provisions of Section 215 as soon as may be, and in any case, before the expiration of a period of six months from the date of such dissolution:*

Provided that where a Panchayat Union Council is dissolved within six months before the expiration of the said period of five years it shall not be necessary to hold any election to such Panchayat Union Council.



5. Section 22 of the Tamil Nadu Village Panchayat Act is as follows:

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22. Term of office of members.- (1) *Except as otherwise provided in this Act, members of the Panchayat Union Council elected at an ordinary election, shall hold office for a term of five years.*

(2) *The term of office of the members elected at an ordinary election shall commence on the date appointed for the first meeting of the Panchayat Union Council after ordinary election.*

(3) *The member of a Panchayat Union Council elected in a casual vacancy, shall enter upon office forthwith but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.*

6. Section 18, provides that Panchayat Union Council shall continue for a period of five years from the date appointed for its first meeting after each ordinary election and very specifically provides it cannot be extended any longer. The first meeting is the date when all the members congregate and take oath. That itself is a meeting since an agenda would be framed with an object to administer oath to each and every member who have been elected by the general public. The subsequent meetings where the members congregate to meet and eat cannot be termed as the first meeting. There is solemnity is attached to the meeting when the oath is administered.



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7. I am not prepared to grant the relief sought to the petitioner herein, particularly since, G.O.Ms.No.1 had been passed dated 06.01.2025, Rural Development and Panchayat (PR-1) Department, wherein, owing to efflux of time, it had been declared that all the Village Panchayat stood dissolved.

8.The writ petition stands dismissed. The petitioner is always at liberty like any other individual to challenge any Government Order which had been passed, if he is of the opinion that such Government Order works to his disadvantage including G.O.Ms.No.1 dated 06.01.2025, Rural Development and Panchayat (PR-1) Department. No Costs. Consequently, connected miscellaneous petitions are closed.

08.01.2025

Index:Yes/No

Internet:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation:Yes/No

ssr



To

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1.The Principal Secretary to Government,
State of Tamil Nadu
Panchayat Raj Department,
Secretariat,
Chennai – 600 009.

2.The Inspector of Panchayat/District Collector,
Tiruvannamalai District,
Tiruvannamalai.



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C.V.KARTHIKEYAN,J.

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