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W.P.No.6062 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.6062 of 2025
and W.M.P.No.6660 of 2025

1.S.Thilagavathi

2.Saravanan

... Petitioners

Vs.

1.The District Collector,
Erode District, Erode.

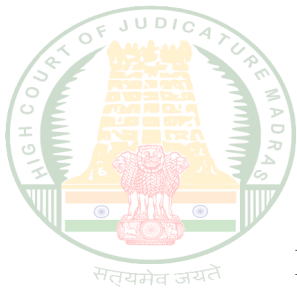
2.The Assistant Director of Town Panchayat,
Collectorate, Erode District,
Erode.

3.The Revenue Divisional Officer,
Erode District, Erode.

4.The Executive Officer (in-charge),
Kodumudi Selection Grade Town
Panchayat,
Kodumudi, Erode District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records relating to the impugned notice dated 17.02.2025 issued by the fourth respondent, quash the same.



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For Petitioners : Mr.S.Silambanan,
Senior Counsel
for Mr.K.Rajasekaran

For Respondents 1 to 3 : Mr.Veda Baghat Singh,
Special Government Pleader

For Respondent 4 : Mr.D.Gopal,
Government Advocate

ORDER

The petitioner has filed this petition seeking to call for the records relating to the impugned notice dated 17.02.2025 issued by the fourth respondent, quash the same.

2. Since no adverse order is being passed, this writ petition is taken up for final hearing.

3. The case of the petitioners is that they are the Ward Member of Kodumudi Town Panchayat and later the first petitioner was elected as the President of the very same Town Panchayat. The grievance of the first petitioner is that twelve out of the fifteen Ward Members, submitted false complaints before the respondents 1 to 3 herein and also sent a notice for a



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“No Confidence” motion against the first petitioner, as the Chairperson. The petitioner also sent a representation dated 02.09.2024 to the first respondent to grant an opportunity of hearing to her towards the “No confidence” motion is moved against her. In such circumstances, the petitioner filed W.P.No.31128 of 2024 before this Court to direct the first respondent herein to consider and pass orders on merits by disposing of the written representation submitted by her on 02-09-2024. This Court, in W.P.No.31128 of 2024, recorded that proceedings have been taken for voting the “No confidence” motion, which was to be held on 01.11.2024, in view of the above submission made by the respondents, this Court directed the fourth respondent herein to issue notice to all the Ward Members and to proceed further on the “No confidence” motion initiated by the other Ward Members on merits and in accordance with law. Thereafter, it appears that the other 12 Ward Members moved this Court by filing WP.No.39485 of 2024 for a Mandamus, directing the fourth respondent to fix a date for “No confidence” motion initiated by them. This Court by order dated 21.12.24 directed the fourth respondent herein to determine a date for the “No confidence” motion. Pursuant to the same, the fourth respondent now issued the notice dated 17.02.2025, which is the order impugned in the writ petition.

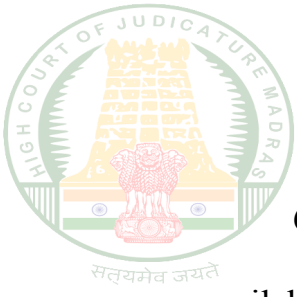


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4. Learned senior counsel for the petitioners submitted that the fourth respondent has issued the notice dated 17.02.2025 and fixed the date for the “No confidence” motion on 24.02.2025 at 3.00 P.M. As per Section 51 (5) of the Tamil Nadu Urban Local Bodies Act, 1998, notice of not less than seven clear days shall be given to the councilors. However, in the present case, the “No confidence motion meeting was scheduled to be held on 24.02.2025, instead of 26.02.2025 which is clearly in violation of the above mentioned Act and the notice was refused on 17.02.2025 and then received by the petitioners only on 18.02.2025.

5. Learned Special Government Pleader and Government Advocate appearing for the respondents 1 to 4 submitted that the fourth respondent will issue a fresh notice to the petitioners, as per the provisions of the Tamil Nadu Urban Local Bodies Act, 1998 and the date for “No confidence motion” will be fixed within a period of thirty (30) days from the date of receipt of a copy of this order.



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6. Heard the learned counsel on either side and perused the materials available on record.

7. In this case, the fourth respondent has not followed the statute in fixing the date for 'No confidence' motion. From the records, it is clear that the notice were received by the petitioners only on 18.02.2025. If 18.02.2025 is taken as date of receipt of the notice by the petitioners, as per the provisions of 51(5) of the Tamil Nadu Urban Local Bodies Act, 1998, the date for "No confidence" motion should have been fixed on 26.02.2025. But, the fourth respondent has fixed the date of "No confidence" motion on 24.02.2025, which is in clear violation of the aforesaid statutory provision.

8. In view of the above factual matrix of the case, the notice dated 17.02.2025 issued by the fourth respondent is liable to be quashed. Accordingly, the same is hereby quashed.

9. The fourth respondent is directed to issue a fresh notice to the petitioners in accordance with Section 51(3) of the Tamil Nadu Urban



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Local Bodies Act, 1998 and also to fix the date of “No confidence” motion, within a period of thirty (30) days from the date of receipt of a copy of this order.

10. This writ petition is disposed of with the aforesaid observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

20.02.2025

Note: Issue order copy on 21.02.2025

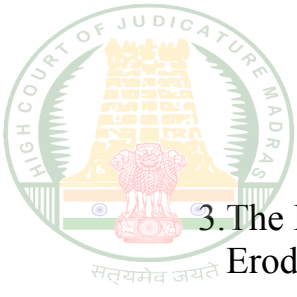
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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

- 1.The District Collector,
Erode District, Erode.
- 2.The Assistant Director of Town Panchayat,
Collectorate, Erode District,
Erode.

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3.The Revenue Divisional Officer,
Erode District, Erode.

4.The Executive Officer (in-charge),
Kodumudi Selection Grade Town
Panchayat,
Kodumudi, Erode District.

J.SATHYA NARAYANA PRASAD,J.

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