



W.P.No.13554 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

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CORAM :
THE HONOURABLE MRS. JUSTICE N.MALA

Writ Petition No.13554 of 2025
and W.M.P.Nos.15206 & 15207 of 2025

1.Thiruselvan

2.Varatharajan

3.Nataraj

4.Kaliavardharaju

... Petitioners

Vs.

1.The District Collector,
Office of the Collectorate,
Salem District.

2.The Commissioner,
Directorate of Town Panchayats,
Urban Administrative Office Campus,
Chennai – 28.

3.The Assistant Director,
Town Panchayat,
Salem Zone,
Collectorate Campus,
Salem District.

4.The Executive Officer,
Town Panchayat,
Thammampatti,
Salem District.



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5.Kavitha

6.Raja

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 01.04.2025 passed by the fifth respondent and quash the same as illegal, non est in the eye of law and consequently direct the 5th respondent to permit the petitioners to participate in the upcoming meetings.

For Petitioners : Mr.A.Rajakumar

For Respondents 1 & 4 : Mr.M.Rajendran,
Additional Government Pleader

For Respondents 2 & 3 : Mr.M.S.Premkumar,
Government Advocate

ORDER

The petitioners have filed this writ petition to call for the records relating to the impugned order dated 01.04.2025 passed by the fifth respondent and quash the same as illegal, non est in the eye of law and consequently direct the 5th respondent to permit the petitioners to participate in the upcoming meetings.

2. When the matter was came up for hearing today, learned counsel for the petitioners would submit that the matter is no longer res-integra and the same is



covered by the dictum laid down by the Madurai Bench of this Court in W.P(MD)No.17410 of 2024, dated 30.07.2024. The Madurai Bench of this Court while dealing with the same issue held as follows and the relevant paragraph Nos.17, 8, 10, 12 & 13 are extracted hereunder:-

“7. The question that calls for consideration is whether the impugned communication is in consonance with the statutory provision. Rule 160(8) of the Tamil Nadu Urban Local Body Rules, 2023 is as follows:~

“160. Procedure to be followed in the meeting.-

(8) (i) A member shall be guilty of breach of the rules governing the proceeding of the council, if he,-

(a) uses any objectionable or unparliamentarily words or language in his speech and refuses to withdraw such words or refuses to tender apology as required by the Chairperson. Such part of the speech shall not be recorded in the proceedings of the council meeting;

(b) wilfully disturbs the peaceful and orderly conduct of the meeting;

(c) refuses to obey any order of the Chairperson;

(d) fails to resume his seat when the Chairperson rises from his chair or when he is called upon to do so by the Chairperson; or

(e) commits any other act or conducts himself in any disorderly manner, which may bring disrepute or discredit to the Council.

(ii) Where the Chairperson is of opinion that any member is guilty of any breach of order referred to in clause (i), he may order the member to withdraw from the meeting and to be absent for the



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remainder of the day-s proceedings. In case such member is not withdrawing from the meeting, the Chairperson may evict such member from the council hall. The decision of the Chairperson shall be final.

(iii) If any member commits the breach of order referred to in clause (i) for the second or subsequent times, any member or the Chairperson may move a resolution for suspension of the member for any one or two ordinary meetings, and on the resolution being passed by the Council, the member concerned shall be deemed to be suspended as resolved by the Council.”

8. The impugned communication has been issued by invoking Clause (iii) of sub-rule 8 of Rule 160. It states that if a member commits the breach of order referred to in clause (i) for the second or subsequent times, a member can be suspended for any one or two ordinary meetings based on the council resolution.

*10. The Bharatiya Nyaya Sanhita, 2023 penalises public nuisance and continuance of nuisance after injunction to discontinue. Sections 292 and 293 correspond to Sections 290 and 291 of the Indian Penal Code. Section 291 of the IPC provides for enhanced punishment when public nuisance is repeated or continued even after enjoined by the public authority not to repeat or continue such nuisance. The scope of Section 291 of IPC was considered by me in *Selvam and others V. State* (CrI.O.P.(MD)No.16135 of 2021 dated 09.11.2021). I held that Section 291 of IPC cannot be invoked in the very first instance and that a formal proceeding from the competent authority must have been issued between the commission of an act of public nuisance and its repetition. The statement by the informant police that the accused did not pay heed to their instruction will not constitute an offence under Section 291 of IPC. I followed a vintage*



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decision reported in ILR (1886) 8 All 99 (Queen~Empress V. Jokhu).

12. A Municipal Corporation is a mini Parliament. The Mayor who presides over the proceedings is akin to the Speaker. May in his Treatise writes that whenever the Speaker rises to intervene in a debate, he should be heard in silence, and any Member who is speaking or offering to speak should immediately sit down. This Parliamentary procedure is equally applicable to the proceedings of Municipal Corporations. The petitioner herein erred in not complying with the directions of the Mayor. The petitioner appears to have realised his lapse. That is why, he has filed a solemn affidavit undertaking to conduct himself in an appropriate manner in future so as to uphold the dignity and decorum of the council.

13. Any disobedience of the order passed by the Mayor constitutes breach of order. It has to necessarily invite action and they partake the character of Contempt proceedings. A Contempt proceeding is in the nature of Quasi~criminal action. The Municipal council is statutorily endowed with the power to hand~out punishment to the erring member. The punishment can be an order to withdraw from the meeting and to be absent for the remainder of the day~s proceedings. If the member is still defiant, he can even be evicted from the council hall. This is set out in Clause (ii) of sub~rule 8 of Rule 160 of the Tamil Nadu Urban Local Bodies Rules, 2023. Clause (iii) provides for enhanced punishment when there is breach of the order referred to in Clause (i). Clause (iii) is intended to deal with recidivism. Applying the interpretation made in the case of Section 291 of IPC by extension of analogy, I hold that before invoking Clause (iii), Clause (ii) must have been exhausted. In other words, Clause (iii) of sub~rule 8 of Rule 160 cannot be resorted in the very first instance. That is why, I am not able to agree with the contention of the learned



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Additional Advocate General that persistent defiance by itself can be a ground for imposing enhanced punishment. Before invoking Clause (iii), an order should have been passed under Clause (ii). In this case, admittedly, no such order was passed under Clause (ii). I therefore hold that invoking Clause (iii) is without jurisdiction.”

3. In view of the ratio laid down by the Madurai Bench of this Court in W.P(MD)No.17410 of 2024, dated 30.07.2024, order passed by the fifth respondent dated 01.04.2025 is liable to be quashed and the same is hereby quashed.

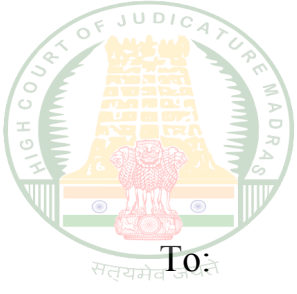
4. In the result, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

13.08.2025

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



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N.MALA,J.

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