



W.P.(MD)No.3047 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3047 of 2025

and WMP (MD) Nos.2120 & 2122 of 2025

S.Mathankumar

: Petitioner

Vs.

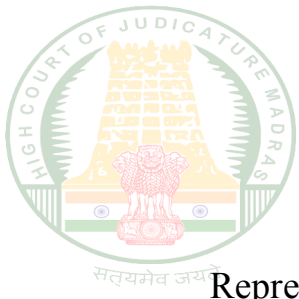
1. The Government of Tamil Nadu,
Represented by its Principal Secretary,
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai 600 009.

2. The Commissioner of Municipal
Administration and Water Supply Department,
Ezhilagam Annexue Building,
6th Floor, Chepauk, Chennai 600 005.

3. The District Collector / Inspector of Panchayat,
Madurai District, Madurai 625 020.

4. The Commissioner,
Madurai City Municipal Corporation,
Madurai.

5. Earkudi Achampathu Village Panchayat,



W.P.(MD)No.3047 of 2025

WEB COPY

Represented by its Secretary,
Achampathu, Madurai 625 019,
Madurai District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Government Order in G.O.(MS).No. 201, (Municipal and Water Supply (Election) Department, dated 31.12.2024, issued by the 1st respondent and quash the same in so far as Earkudi Achampathu Village Panchayat in Serial No. xv for merging with the 4th Respondent Madurai Municipal Corporation is concerned and direct to hold election to the 5th respondent Panchayat without any further delay.

For Petitioner : Mr.K.P.S.Palanivel Rajan
Senior Counsel
for Mr.M.Karthikeya Venkitachalapathy
For Respondents : Mr.K.S.Selvaganesan
Addl.Govt.Pleader for R1 to R3 & R5
Mr.S.Vinayak for R4

ORDER

The present writ petition has been filed challenging the Government Order in G.O.(MS).No.201, Municipal and Water Supply (Election) Department, dated 31.12.2024, issued by the first respondent.



W.P.(MD)No.3047 of 2025

WEB COPY

2. Learned Senior Counsel appearing for the petitioner submits that the petitioner has challenged Government Order No. 201, dated 31.12.2024, primarily on the ground that the order was not passed in accordance with the procedures mandated under Article 166 of the Constitution of India. Article 166 outlines the procedures and responsibilities regarding executive actions taken by the Governor of a State and the authority for handling matters related to the State government. By virtue of the said Government Order, the Village Panchayat could not be brought into the territorial jurisdiction of the fifth respondent without adhering to the requirements stipulated under Article 243(Q)(2) of the Constitution of India, which governs the process of upgrading rural areas to urban areas. Learned Senior Counsel, therefore, contended that the Government Order is in gross violation of Article 166, and as such, it cannot be acted upon. In this regard, the learned Senior Counsel also relied upon the judgment of the Apex Court in ***Champa Lal v. State of Rajasthan & Ors.***, reported in ***(2018) 16 SCC 356***.

3. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 and 5 submitted that an earlier decision by a Hon'ble Division Bench of this Court had already



W.P.(MD)No.3047 of 2025

WEB COPY

addressed the very same issue in W.A(MD) No.1714 of 2025 on 23.01.2025.

4. Heard the learned Senior Counsel appearing for the petitioner, the learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 and 5 and the learned counsel appearing for the fourth respondent.

5. Admittedly, the very same Government Order was challenged before the Division Bench and this Court, passed the following order:

“ By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2.Though the petitioner has sought for a larger relief to quash the impugned order of the first respondent dated 31.12.2024, the learned Senior Counsel for the petitioner would submit that the petitioner has given his objections against the proposed merger of Kovilpappakudi Village with the Madurai Municipal Corporation and that he would be satisfied if his objections are directed to be considered.

3.Mr.S.Vinayak, learned Standing Counsel, who accepts



WEB COPY



W.P.(MD)No.3047 of 2025

notice for the Madurai Corporation submits that the notification was issued on 31.12.2024 and six [6] weeks time has been given for filing of objections and the six [6] weeks period is yet to expire.

4.In the light of the submissions made by the learned Senior Counsel appearing for the petitioner, liberty is hereby granted to the petitioner to further give his objections within a period of six [6] weeks from the date of the notification and on receipt of the same, the respondents shall consider the same and pass orders on merits and pass appropriate orders in accordance with law.

5.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.”

6. In the aforesaid order, this Court granted liberty to the petitioner therein to raise all his objections before the respondents. In line with the order of the Division Bench, this Court directs the petitioner to submit all his objections before the respondents within a period of four weeks from the date of receipt of a copy of this order. The respondents shall consider such objections and pass appropriate orders in accordance with law.



W.P.(MD)No.3047 of 2025

WEB COPY

7. With the above direction, this writ petition is disposed of.

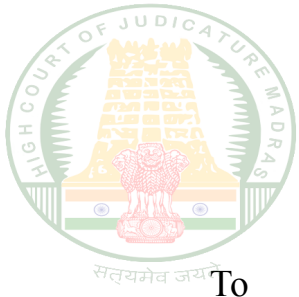
No costs. Consequently, connected miscellaneous petitions are closed.

18.02.2025

Index : Yes / No

Internet : Yes / No

PKN



W.P.(MD)No.3047 of 2025

To

WEB COPY

1. The Government of Tamil Nadu,
Represented by its Principal Secretary,
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai 600 009.
2. The Commissioner of Municipal
Administration and Water Supply Department,
Ezhilagam Annexue Building,
6th Floor, Chepauk, Chennai 600 005.
3. The District Collector / Inspector of Panchayat,
Madurai District, Madurai 625 020.
4. The Commissioner,
Madurai City Municipal Corporation,
Madurai.



WEB COPY



W.P.(MD)No.3047 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.3047 of 2025

18.02.2025