



W.P.(MD) No.14839 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2025

CORAM:

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.(MD) No.14839 of 2025
and
W.M.P.(MD) No.11157 of 2025

S.V.Udayakumar

Vs

... Petitioner

1. The State of Tamilnadu,
Represented by Its Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai.
2. The Director of Municipal Administration,
Office of the Directorate of Municipal Administration,
No.75, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.
3. The Director of Vigilance and Anti Corruption,
No.293, M.K.N. Road,
Alandur, Chennai - 600 016.
4. The Director - Local Fund Audit,
Directorate of Local Fund Audit,
Integrated Finance Office Complex,
Nandanam, Chennai.



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5. The Commissioner,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the second respondent from taking any coercive action or from passing any orders as to removing the petitioner as Municipal Councillor of Ward - 5, Nagercoil Corporation, based on the resolution under Resolution No. 923 dated 29.11.2024 without following the procedures contemplated under Sections 52 and 53 of the Tamilnadu Urban Local Bodies Act, 1998, by allowing the above writ petition.

For Petitioner : Mr.G.Aravinthan
for M/s.Arun Legal Consultancy
For Respondents : Mr.R.Suresh Kumar (R1 to R4)
Additional Government Pleader
Mr.F.Deepak (R5)
Standing Counsel

ORDER

This writ petition has been filed seeking for a direction to forbear the second respondent from taking any coercive action or from passing any orders as to removing the petitioner from the post of Municipal Councillor of Ward - 5,



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Nagercoil Corporation, based on the resolution under Resolution No. 923 dated 29.11.2024 without following the procedures contemplated under Sections 52 and 53 of the Tamilnadu Urban Local Bodies Act, 1998.

2. The petitioner is a ward councillor in the fifth respondent Municipality elected in the year 2022 for the period between 2022-2027. The petitioner appears to have lodged complaints against the fifth respondent to the Tamil Nadu Local Bodies Ombudsman making several purported irregularities with regard to the award of contract. He has also lodged a complaint to the Chief Minister on 17.11.2024. While this being so, a resolution has been passed by the Municipal Council on 29.11.2024 proposing to remove the petitioner from the post of Municipal Councillor.

3. The specific case of the petitioner is that the fifth respondent has passed the resolution in a vindictive manner on 29.11.2024 proposing to remove the petitioner for abusing the powers vested with him and that without giving an opportunity to the petitioner, the aforesaid resolution has been passed and therefore, the petitioner seeks for the aforesaid relief.



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4. The learned counsel appearing for the petitioner submits that on considering the complaints raised by the petitioner against the fifth respondent, the Tamil Nadu Local Bodies Ombudsman Act, 2014, vide order dated 21.01.2025 directed the second and fourth respondents to conduct an inspection with regard to the allegations levelled against the fifth respondent by the petitioner and also to take action against the same.

5. The learned Additional Government Pleader and the learned standing counsel appearing for the respondents submits that this writ petition is pre-mature one and the Council has only made a recommendation to remove the petitioner from the post of Municipal Councillor and the fifth respondent Commissioner has forwarded the said resolution to the second respondent for passing appropriate orders under Section 52 of the Tamil Nadu Urban Local Bodies Act, 1998, Hence, they pray this Court to dismiss this writ petition.

6. I have heard the arguments of the learned counsel on either side and perused the materials placed before this Court.



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7. *Prima facie*, it appears that the petitioner has been victimized for raising issues before the Tamil Nadu Local Bodies Ombudsman and before Chief Minister. A resolution has been passed by the Municipal Council on 29.11.2024 proposing to remove the petitioner from the post of Municipal Councillor, which was forwarded to the second respondent. However, no orders have been passed till date.

8. This Court is of the considered view that the writ petition filed by the petitioner seeking for the aforesaid relief at this stage cannot be countenanced, as the petitioner can be removed, only after orders are passed under Section 52 of the Tamil Nadu Urban Local Bodies Act, 1998, after affording an opportunity of hearing to the petitioner. Therefore, at this stage, this writ petition is pre-mature.

9. In view of the above observations, this writ petition is disposed of by directing the first respondent to comply with the requirements under Section 52 of the Tamil Nadu Urban Local Bodies Act, 1998, and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the



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petitioner, within a period of two months from the date of receipt of a copy of this order.

10. It is needless to state that the petitioner shall be heard before any adverse order is proposed to be passed against him pursuant to the resolution dated 29.11.2024. It is also made clear that the resolution shall not be acted upon, merely because the petitioner has lodged complaints before the Tamil Nadu Local Bodies Ombudsman. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
Sm

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C.SARAVANAN, J.

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