



W.P.(MD) No.20778 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.20778 of 2025
and
W.M.P.(MD) No.16083 of 2025**

T.Saravanakumar

... Petitioner

/vs./

1.The Director of Town Panchayat,
7th & 8th Floor, Urban Administrative Office Campus,
Raja Annamaalpuram,
Chennai.

2.The Assistant Director of Town Panchayat,
Theni District,
Theni.

3.The Executive Officer,
Andipatti Town Panchayat,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to convene a special meeting of the Andipatti Town Panchayat Council to consider the no-confidence motion against the Chairman, based on the representation dated 03.07.2025,



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strictly in accordance with Section 51 r/w Rule 161(3) of the Tamil Nadu Urban Local Bodies Rules, 2023.

For Petitioner : Mr.M.Rajarajan

For R1 & R2 : Mr.Veerakathiravan
Additional Advocate General II assisted by
Mr.D.Ghandiraj
Special Government Pleader

For R3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

Mr.D.Ghandiraj, learned Special Government Pleader takes notice for the respondents 1 and 2 and Mr.B.Saravanan, learned Additional Government Pleader takes notice for the third respondent.

2.This writ petition has been filed for a Mandamus to direct the third respondent/the Executive Officer, Andipatti Town Panchayat, Theni District, to consider the 'No Confidence Motion' against the Chairman, based on the representation, dated 03.07.2025, strictly in accordance with Section 51 of the Tamil Nadu Urban Local Bodies Act, 1998 r/w Rule 161(3) of the Tamil Nadu Urban Local Bodies Rules, 2023.



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3.The specific case of the petitioner is that the Andipatti Town Panchayat has 18 elected Council members, out of which 1 person died. It is submitted that out of 17 members, 'No Confidence Motion' has been moved by 15 members.

4.It is submitted that this Court has already passed a detailed order under similar circumstances in W.P.(MD) No.19180 of 2025 on 15.07.2025, wherein, the Commissioner of Karaikudi Corporation, Sivagangai District, was directed to convene a meeting by issuing notice within the time line stipulated under Section 51(3) of the Act and hold the meeting strictly in accordance with Rule 161(3) of the Rule.

5.The learned counsel appearing on behalf of the Official respondents submits that for moving the aforesaid motion, a minimum of $\frac{3}{5}$ th strength of elected Councilors has to be there. It is submitted that the petitioner should have atleast 10.8 (11) members.



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6.It is submitted that 'No Confidence Motion' was purportedly filed on behalf of 15 members. It was subsequently found that atleast 3 of the Councilors have withdrawn the notice.

7.It is further submitted that the signature of three members in the motion for no confidence against the Chairman are also suspect, as there is a variance between the signatures in the Register maintained by the Town Panchayat and in the aforesaid memo, dated 03.07.2025.

8.The learned counsel for the petitioner has produced a copy of the letter issued by one Meenakshi, one of the Council member, who has reiterated that she was supporting the motion. That apart, it is submitted that once the motion for no confidence has been issued, there is no scope for withdrawing the same. In this connection, the learned counsel for the petitioner has drawn attention to the following decisions:-

“i) P.Ramachandraiah Vs. Government of A.P., Panchayat Raj, Secretariat, Hederabad and others reported in 1999 SCC Online AP 700;

ii) MD.Abdul Latiff Vs. State of Manipur and others reported in (2010) 5 Gauhati Law Reports 578”



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9.Be that as it may, since there is a cloud over the signatures in the memo for 'No Confidence Motion' against the Chairman, dated 03.07.2025, the third respondent/the Executive Officer, Andipatti Town Panchayat, Theni District, is directed to convene a meeting of the Councilors to verify individually as to whether each of the signatures in the memo dated, 03.07.2025 for 'No Confidence Motion' against the Chairman are that of theirs, if the signatures are otherwise in order. The third respondent shall thereafter proceed to place the 'No Confidence Motion'. The first meeting of the Councilors shall be held on 31.07.2025.

10.With the aforesaid directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes / No
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29.07.2025

Note : Issue order copy on 30.07.2025



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To

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C.SARAVANAN, J.

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