



W.P.(MD)No.22104 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.22104 of 2025

and

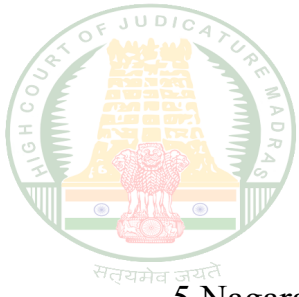
W.M.P.(MD)No.17207 of 2025

G.Umamaheshwari

... Petitioner

-VS-

- 1.The State Election Officer /
The Director of Municipal Administration,
MRC Nagar, Chennai - 600 028.
- 2.The Director of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.
- 3.The Regional Director of Municipal Administration,
Tirunelveli.
- 4.The Commissioner,
Sankarankovil Municipality,
Sankarankovil,
Thenkasi District.



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5.Nagarajan,
(Then Commissioner of Sankarankovil Municipality),
Presently working as Commissioner,
Rajapalayam Municipality.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the Resolution No.804 passed in the Sankarankovil Municipality Council dated 17.07.2025 as illegal and with a further direction, directing the fourth respondent to conduct the "No Confidence Motion" as per Section 51 of Tamil Nadu Urban Local Bodies Act, 1998.

For Petitioner	:	Ms.Porkodi Karnan for M/s.Polax Legal Solutions
For R1 to R3	:	Mr.Veera.Kathiravan Additional Advocate General Assisted by Mr.C.Satheesh Government Advocate
For R4	:	Mr.M.Rajarajan Standing Counsel

ORDER

The petitioner, who is the elected President of the Sankarankovil Municipality, has approached this Court by way of a Writ of Declaration, seeking to declare Resolution No.804, passed by the Sankarankovil Municipal Council on 17.07.2025, as illegal.



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2. It is pertinent to note that the petitioner had earlier filed W.P.(MD)No. 18527 of 2025, challenging a similar resolution, namely, Resolution No.803, which was passed on 02.07.2025. The prayer in the said Writ Petition reads as under:-

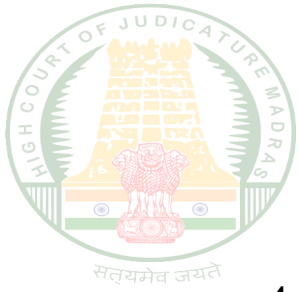
"To issue a Writ of Declaration, to declare the Resolution No.803 allegedly passed in the council of Sanakarankovil Municipality by majority pursuant to the no confidence motion dated 02.07.2025 as illegal and arbitrary and further direct the respondents to conduct meeting for voting in the manner prescribed under Rule 161 of Tamil Nadu Urban Local Bodies Rules."

3. When the above said writ petition was taken up for hearing on 08.07.2025, the following order was passed:-

"Mr.D.Ghandiraj, learned Special Government Pleader takes notice for the respondents 1 and 2 and Mr.M.Rajarajan, Standing Counsel takes notice for the third respondent.

2. The learned Additional Advocate General submits that although a resolution has been passed recording the votes orally of the members of the Councils, the appropriate resolution will be passed in accordance with Rule 161(3) of the Tamil Nadu Urban Local Bodies Rules, 2023. The learned Additional Advocate General further submits that the meeting will be held on 17.07.2025 in accordance with Rule 161(3) of the Tamil Nadu Urban Local Bodies Rules, 2023 for the purposes of Section 51 of the Tamil Nadu Urban Local Bodies Act, 1998.

3. Recording the above submission, post on 18.07.2025 for reporting compliance."



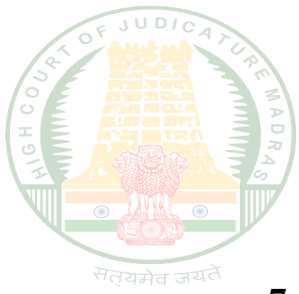
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4. The said Writ Petition was dismissed as infructuous, vide order dated 07.08.2025. Now, in the present Writ Petition, the petitioner challenges the impugned Resolution No.804, dated 17.07.2025, primarily on two grounds: (i) *mala fides*, and (ii) procedural irregularity, specifically, the alleged non-compliance with Section 51 of the Tamil Nadu Urban Local Bodies Act, 1998 [hereinafter referred to as 'the Act'].

5. The petitioner's main grievance is that no debate was conducted prior to the passing of the no-confidence motion, thereby, denying her an opportunity to defend herself.

6. The learned counsel for the petitioner submits that the fifth respondent was transferred on 12.07.2025 with immediate effect. However, he was not relieved from duty and continued to preside over the meeting of the Council held on 17.07.2025. On this ground, it is contended that the impugned resolution is liable to be set aside.



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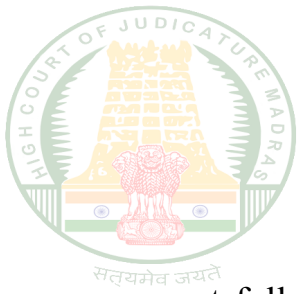
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7. On the other hand, the learned Additional Advocate General submits that the Writ Petition has become infructuous in view of the issuance of the election notification pursuant to the impugned resolution dated 17.07.2025, fixing 18.08.2025 as the date of election.

8. I have considered the submissions advanced by the learned counsel for both sides.

9. The contention of the learned counsel for the petitioner that the fifth respondent continued in office despite the transfer order dated 12.07.2025, cannot be sustained. The question of his not being relieved is purely an administrative matter. The mere fact that the fifth respondent presided over the meeting on 17.07.2025, despite the transfer order, does not *ipso facto* render the resolution passed by the Council as illegal or arbitrary. Therefore, this ground of challenge stands rejected.

10. With respect to the alleged procedural violation under Section 51 of the Act, there is no material on record to establish that the mandatory procedure was



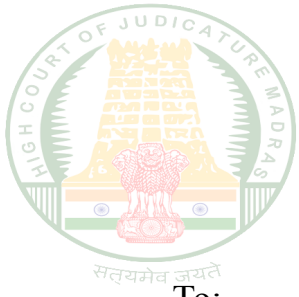
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not followed. The argument that the petitioner was not given an opportunity to participate in a debate also lacks merit. Out of 30 elected Members, which includes the petitioner herself as one of the Members present, 28 Members voted in favour of the no-confidence motion against the petitioner. Overwhelming support for the motion indicates that the petitioner had already lost the confidence of the majority. In such circumstances, the absence of a detailed debate does not vitiate the resolution.

11. It is further relevant to note that the first respondent has issued an election notification on 05.08.2025, fixing the date of election as 18.08.2025. Therefore, in the light of the subsequent development, the Writ Petition is rendered devoid of merit. Accordingly, the Writ Petition is dismissed. However, liberty is granted to the petitioner to apply for nomination, if so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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11.08.2025



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C.SARAVANAN, J.

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