



WP(MD). No.30337 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18/12/2025

CORAM

The Hon`ble Mr.Justice R.VIJAYAKUMAR

**WP(MD). No.30337 of 2025
and WMP(MD) Nos.23523 and 23524 of 2025**

M.Sudha

... Petitioner

Vs

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

2.The Director of Town Panchayat
Directorate of Town Panchayat
7th and 8th Floor, Urban Administrative Office Campus
Chennai 600 028.

3. The Assistant Director of Town Panchayat,
Jawahar Nagar, NGO B Colony
Palayamkottai, Tirunelveli

4.The Executive Officer,
Alangulam Special Grade Town Panchayat,
Alangulam, Tenkasi District.

5.Subash Chandra Bose
9th ward Councillor, Alangulam Special Grade Town Panchayat,
Alangulam, Tenkasi District

... Respondents



WP(MD). No.30337 of 2025

(R5 has been impleaded as per order dated 04.12.2025
in WMP(MD) No.25260/2025)

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the 4th respondent in his proceedings in ந.க.எண்.355/2023 நாள் 17.10.2025 and quash the same as without jurisdiction and non application of mind.

For Petitioner : Mr.Ananth C.Rajesh
For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mrs.D.Farjana Ghoushia
Special Government Pleader for R1 to R4
Mr.J.Barathan for R5

ORDER

The present writ petition has been filed by a Ward Councillor cum Chairman of Alangulam Town Panchayat challenging the order dated 17.10.2025 passed by the 4th respondent herein, wherein, the petitioner has been informed that she has been disqualified under Section 32(1)(j) and Section 35 of the Tamil Nadu Urban Local Bodies Act, 1998 (hereinafter referred to as 'the Act')

2. The 5th respondent in the writ petition has approached the Ombudsman of the Tamil Nadu Local Bodies seeking a direction against



WP(MD). No.30337 of 2025

the 4th respondent herein to declare the disqualification of the writ petitioner. After hearing the writ petitioner, an order was passed on 17.10.2025 directing the Director of Town Panchayats to initiate appropriate legal action.

3. Since no proceedings were initiated pursuant to the orders of the Ombudsman, WP(MD) No.23970/2024 was filed, wherein a direction was issued to the 4th respondent to consider the representation of the 5th respondent. Since there was allegations of violation of the said order, contempt proceedings were initiated by the 5th respondent in Cont.P(MD) No.2845/2025. Pending contempt proceedings, a show cause notice was issued to the writ petitioner on 25.09.2025 to the effect that why she should not be disqualified. An explanation was submitted by the writ petitioner to the 4th respondent on 06.10.2025. Thereafter the present impugned order has been passed on 07.10.2025 intimating the writ petitioner that she has ceased to hold the office. Referring the order dated 17.10.2025, Contempt Petition was closed on 22.10.2025. Challenging the order of the 4th respondent dated 17.10.2025, the present writ petition has been filed.



WP(MD). No.30337 of 2025

WEB COPY

4. According to the learned counsel for the petitioner, the 4th respondent is not the competent authority to issue the order of disqualification. According to him, only the District Court of the concerned District would have jurisdiction whatsoever to entertain the question to disqualify a Councillor.

5. Per contra, the learned Additional Advocate General appearing for the respondents relying upon Section 32(1)(j) and Section 35 of the Act submitted that the ceasing to hold office on the ground of disqualification is automatic and therefore, the present order of the 4th respondent is nothing but an intimation to the writ petitioner. He further submitted that the petitioner was issued with a show cause notice and she has also submitted her reply. He relied upon Section 35 of the Act and submitted that on receipt of the show cause notice or after being intimated about the disqualification, the petitioner alone has to approach the competent Court contending that she is not disqualified.



WP(MD). No.30337 of 2025

6. The learned counsel for the 5th respondent relying upon a judgment of the Division Bench of this Court in WA No.1040/2013 dated 24.04.2018 submitted that the ceasure from office is automatic once the disqualification is suffered by a particular Councillor. Therefore, the petitioner has to approach the competent Court to set it aside or get a declaration that she is not disqualified.

7. I have considered the rival submissions and perused the materials available on record.

8. The only issue arises for consideration is that whether the petitioner has suffered a disqualification on 17.10.2025 and the disqualification will commence after it is declared by the competent District Court.

9. The petitioner is a Councillor and she is also the Chairman of Alangulam Special Grade Town Panchayat. The Town Panchayats were earlier governed by the Tamil Nadu District Municipalities Act. While considering a similar provision under the Tamil Nadu District



WP(MD). No.30337 of 2025

Municipalities Act, a Division Bench of our High Court in a judgment in WA No.1040/2013 dated 24.04.2018 in Paragraph No.17 has held as follows:

“17.We make the legal position clear that disqualification under Section 50 of the Act would come into play on account of the commission of acts enumerated and the councillor would cease to hold her office even without an adjudication by the District Court under Section 51 of the Act. We also make it clear that the statutory disqualification would be suspended automatically under sub Section (3) of Section 51, in case the aggrieved invoked the jurisdiction of the District Court under Section 51 of the Act.”

10. The Tamil Nadu District Municipalities Act has been repealed and *pari metria* provisions have been incorporated in Tamil Nadu Urban Local Bodies Act, 1998. Therefore, the said judgment of the Division Bench is squarely applicable to the facts of the present case.

11. In view of the above said facts, the petitioner cannot challenge the order passed by the 4th respondent herein in view of the fact that it is



WP(MD). No.30337 of 2025

just an intimation to the writ petitioner and it is not an order of disqualification. It is for the petitioner to approach the competent District Court seeking declaration that she has not been disqualified.

12. With the said observation, the writ petition stands disposed of.

No costs. Consequently connected Miscellaneous Petitions are closed.

18.12.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The Principal Secretary
Municipal Administration and Water Supply Department
Fort St. George, Chennai 600 009.

2.The Director of Town Panchayat
Directorate of Town Panchayat
7th and 8th Floor,
Urban Administrative Office Campus
Chennai 600 028.

3. The Assistant Director of Town Panchayat,
Jawahar Nagar, NGO B Colony
Palayamkottai, Tirunelveli

4.The Executive Officer,
Alangulam Special Grade Town Panchayat,
Alangulam, Tenkasi District.

7/8



WEB COPY



WP(MD). No.30337 of 2025

R.VIJAYAKUMAR, J

RR

**ORDER
IN
WP(MD) No.30337 of 2025**

Date : 18/12/2025