

W.P(MD).No.34931 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 06.01.2026

ORDER PRONOUNCED ON : 12 .01.2026

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.34931 of 2025
and WMP(MD).No.27620 of 2025**

G.Dhanabalan

....Petitioner

Vs

1.The Mayor
Dindigul Municipal Corporation
Dindigul, Dindigul District.

2.The Deputy Mayor
Dindigul Municipal Corporation
Dindigul, Dindigul District

3.The Commissioner
Dindigul Municipal Corporation
Dindigul, Dindigul District

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings issued by the first respondent in Na.Ka.No. 12197/2025/C2 dated 26.11.2025 and quash the same and consequently directing the respondents to allow the council's meeting from the first respondent's office within the time stipulated by this Court.



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W.P(MD).No.34931 of 2025

For Petitioner : Mr.S.I.Muthiah
For Mr.T.Manikandan

For Respondents : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by
Mr.J.Lawrence
Standing Counsel

ORDER

The present writ petition has been filed by the 14th Ward Councillor of the third respondent Municipal Corporation challenging a communication issued by the first respondent herein on 26.11.2025 that the petitioner has been placed under suspension for the two ordinary council meetings.

(A).Factual Matrix:

2.According to the learned counsel appearing for the writ petitioner, since he belongs to the opposition political party, his ward is being subjected to discrimination in the allocation and provision of basic amenities and he had been continuously raising objections. It is further averred that the petitioner had demonstrated against the corrupt activities of the first respondents including misappropriation of funds and causing loss to the Government exchequer. Therefore, due to political and personal animosity, he is being deliberately targeted.



WP(MD).No.34931 of 2025

3.It is further averred in the affidavit that for the past three years, the respondents are conducting council meeting without passing any proper resolution. It is further stated that in the last three years, the minutes of the council meeting have not been properly recorded and the same would clearly shows procedural irregularity and lack of transparency in the functioning of the office of the first respondent.

4.It is further contended in the affidavit that he had filed Public Interest Litigation before this Court in WP(MD).No.5580 of 2023 raising specific allegation in the tender allotted to the selective persons who are closely connected with the first respondent in violation of the tender conditions and transferency rules. According to him, the said writ petition was allowed and the Corporation was directed to conduct a fresh tender process by an order dated 30.09.2024.

5.It is further averred in the affidavit that for the past three months, no council meeting was conducted and therefore, he was constrained to make several demonstrations and submitted a written complaint to the District Collector and Secretary to the Government. Thereafter, the third respondent had given him an oral assurance that a council meeting would be convened on 26.11.2025.

6.It is further averred in the affidavit that on 26.11.2025, he raised the issue of drainage problems faced by the residents of his ward and requested



W.P(MD).No.34931 of 2025

for necessary action be taken for the welfare of the people. Several council members attempted to interrupt and he had never used any filthy or unparliamentary language, nor he had defamed or acted against the Government in any manner. His entire speech was purely in the interest and welfare of the public. However, the first respondent deliberately failed to object to or restrain other councilors who used abusive and filthy language and thereafter, the first respondent arbitrarily issued a suspension order against the petitioner on 26.11.2025 disabling him from attending council meeting for the next three months. According to him, the suspension order is in gross violation of democratic principles and therefore, the impugned order of suspension preventing him from participating in the council meeting for a period of three months is arbitrary, unconstitutional and contrary to the spirit of representative democracy.

(B).Submissions of the learned counsels appearing on either side:

7.The learned counsel for the writ petitioner has submitted that the petitioner has not indulged in any act nor made any speech to find him guilty of breach as envisaged in the provisions of Rule 160(8) of Tamil Nadu Urban Local Bodies Rules, 2023. In such circumstances, initiation of proceedings under the said Rule is *per se* not maintainable. He had further contended that the Chairperson ought to have complied with the procedures as contemplated in Rule 160(8)(ii) of the said Rule. Without resorting to the procedure



W.P(MD).No.34931 of 2025

contained to the above said Rule, the first respondent has straight away invoked Rule 160(8)(iii) and suspended the petitioner from attending the council meeting. Therefore, the impugned order is liable to be set aside. He had further submitted that no opportunity was provided to the writ petitioner to submit his explanation or hearing to the elected ward member. Therefore, the order of suspension is clearly in violation of the principles of natural justice.

8.Since the order of suspension has been passed without adhering to the mandatory provisions under Rule 160(8) of Tamil Nadu Urban Local Bodies Rules, 2023, the same is liable to be quashed.

9.The learned counsel for the writ petitioner had relied upon the order of this Court in WP(MD).No.17410 of 2024 (K.Jeyachandran Vs. The Corporation by its Commissioner of Corporation, Madurai and another) dated 30.07.2024 wherein this Court was pleased to hold that before invoking Clause (iii), Clause (ii) of Rule 160(8), must have been exhausted. He had further pointed out that Clause (iii) of sub-rule 8 of Rule 160 cannot be resorted in the very first instance. Hence, he prayed for setting aside the impugned order of suspension.

10.Per contra, the learned Additional Advocate General appearing for the respondents had submitted that Clause (iii) of Rule 160(8) of Tamil Nadu Urban Local Bodies Rules, 2023 is not dependent upon Clause (ii) of the



W.P(MD).No.34931 of 2025

above said Rule. Whether the Chairperson had invoked Clause (ii) or not, it is always open to the council to invoke Clause (iii). He had further submitted that under Clause (iii) of the above said Rule, there is no reference about Clause (ii) and in such circumstances, Clause (ii) cannot be considered to be a precondition for invoking Clause (iii).

11.The learned Additional Advocate General had further submitted that despite several warnings issued by the Mayor, the petitioner repeated his unparliamentary words and therefore, the council was constrained to pass a resolution on 26.11.2025 suspending the writ petitioner in the said meeting and also for the next meeting. The order impugned in the writ petition is only a communication of the said resolution by the Mayor. Without challenging the resolution passed by the Corporation council, the communication issued by the Mayor, cannot be put to challenge.

12.The learned Additional Advocate General relied upon the decision of this Court in WP(MD).No.28697 of 2024 (Abubacker Ajwadh @ Natchathira Councilor Vs. The Commissionerate of Municipal Administration, Chennai and others) dated 28.11.2024 wherein it is held that when majority of the councillors resolved to suspend the petitioner therein for the next two meetings, the Court cannot interfere in the same and the petitioner therein was granted liberty to challenge the resolution once a copy of the same is furnished to him. Hence, he prayed for sustaining the order



W.P(MD).No.34931 of 2025

passed by the first respondent.

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13. Heard both sides and perused the material records.

(C).Discussion:

14. A perusal of the impugned order reveals that it is a communication of the first respondent (Mayor) to the writ petitioner about his suspension for two meetings from 26.11.2025 onwards based upon the resolution dated 26.11.2025 passed by the Corporation Council. When the impugned proceedings of the first respondent points out the resolution of the Corporation dated 26.11.2025, the petitioner cannot challenge the communication alone without challenging the resolution passed by the Corporation Council.

15. It is further contended on the side of the petitioner that without invoking Clause (ii) of Rule 160(8) of Tamil Nadu Urban Local Bodies Rules, 2023, Council could not have passed a resolution invoking Clause (iii). In support of his contention, he has relied upon the decision of this Court in WP(MD).No.17410 of 2024.

16. For better appreciation of the legal position, Rule 160(8) of Tamil Nadu Urban Local Bodies Rules, 2023 is extracted as follows:

“160(8)(i). A member shall be guilty of breach of the rules governing the proceeding of the council, if he,-



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W.P(MD).No.34931 of 2025

(a)uses any objectionable or unparliamentary words or language in his speech and refuses to withdraw such words or refuses to tender apology as required by the Chairperson. Such part of the speech shall not be recorded in the proceedings of the council meeting;

(b)wilfully disturbs the peaceful and orderly conduct of the meeting;

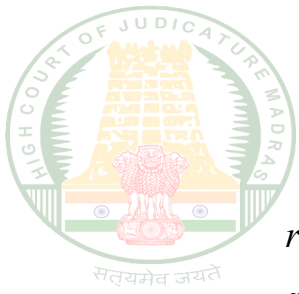
(c)refuses to obey any order of the Chairperson;

(d)fails to resume his seat when the Chairperson rises from his chair or when he is called upon to do so by the Chairperson; or

(e)commits any other act or conducts himself in any disorderly manner, which may bring disrepute or discredit to the Council.

(ii) Where the Chairperson is of opinion that any member is guilty of any breach of order referred to in clause (i), he may order the member to withdraw from the meeting and to be absent for the remainder of the days proceedings. In case such member is not withdrawing from the meeting, the Chairperson may evict such member from the council hall. The decision of the Chairperson shall be final.

(iii) If any member commits the breach of order referred to in clause (i) for the second or subsequent times, any member or the Chairperson may move a resolution for suspension of the member for any one or two ordinary meetings, and on the



W.P(MD).No.34931 of 2025

WEB COPY

resolution being passed by the Council, the member concerned shall be deemed to be suspended as resolved by the Council.”

17. A perusal of the said Rules reveal that Clause (i) catalogues the misconduct that would result in guilty of breach of the Rules governing the proceedings of the council. Clause (ii) deals with the power of Chairperson to order any member to withdraw from the meeting and to be absent for the remainder of the day's proceedings. In case, if the member is not withdrawing from the meeting, the Chairperson has got power to evict such member from the council hall. Clause (iii) deals with the power of the council to pass a resolution for the breach of order referred to in Clause (i) for the second or subsequent times by suspending the member for any one or two ordinary meetings. On the resolution being passed by the council, the member concerned shall be deemed to be suspended as resolved by the council.

18. According to the learned counsel appearing for the writ petitioner, whenever a breach of Rule is alleged, the Chairperson has to first invoke Clause (ii) and he may order the member to withdraw from the meeting. Only if the breach is repeated for the second or subsequent times, the council will get power under Clause (iii) to suspend the member for any one or two ordinary meetings. In the present case, the Chairperson having not invoked Clause (ii), the Council cannot invoke Clause (iii) of the above said Rule suspending the petitioner.



W.P(MD).No.34931 of 2025

19.A perusal of the above said Rule reveals that the power of the Chairperson and that of the Council are completely different. The power of the Council does not depend upon the fact whether the Chairperson chooses to exercise his power under Clause (ii) or not. The power of Chairman is an emergency power for meeting of that particular day to order a member from withdrawing from the meeting and in case of failure to evict him. In case, if the Chairperson fails to invoke his power and the concerned member continues to commit the breach of Rules, the Council cannot be a mere spectator waiting for the Chairperson to exercise his power under Clause (ii). That apart, the power conferred upon the Chairperson is limited to imposition of a minor punishment for the day of meeting alone. However, the power of council is wider to impose a major punishment of suspension not only for that day but for any other subsequent ordinary meeting.

20.In case, if interpretation of writ petitioner to that effect that the council cannot exercise its power until the Chairperson exercises his power under Clause (ii) is accpeted, that would result in conferring wider power upon the Chairperson. In cases where the member who is committing breach of Rules is a close associate of the Chairperson, the Chairperson may not initiate any proceedings under Clause (ii). The council cannot be a mute spectator. If the council had to wait for exercising of powers by the Chairperson that would amount to granting veto power upon the Chairperson,



W.P(MD).No.34931 of 2025

even to nullify the majority decision of the members of the council.

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21. In the present case, a perusal of the resolution of the council reveals that despite request made by the Chairperson to withdraw the objectionable statement made by the writ petitioner and after advise of the Chairperson, the petitioner is said to have refused to withdraw the objectionable words and continued to disturb the proceedings repeatedly. Therefore, it is clear from the resolution, that the petitioner had continued with his objectionable statement despite warning by the Chairperson. Therefore, it is clear that the breach of order referred to in Clause (i) has been repeated for the second or subsequent times on the same day. The word second or subsequent times found in Clause (i) also covers the repeated breach of order on the same day of meeting also and it cannot be interpreted to the effect that the subsequent breach of order should have happened in the next meeting.

22. It should also be noted that Clause (iii) which confers power upon the council to impose punishment of suspension refers only to the breach of Rule under Clause (i). There is no reference about Clause (ii) in Clause (iii). Therefore, it is clear that the power of council to invoke Clause (iii) is not dependent upon the fact whether the Chairperson invokes his power under Clause (ii) or not.

23. In the present case, the Chairperson having failed to invoke his power under Clause (ii) and due to breach of order for the second or



W.P(MD).No.34931 of 2025

subsequent times, the council has invoked its power under Clause (iii) and has proceeded to pass a resolution suspending the petitioner for the meeting on that day and for the next meeting. These facts were not brought to the notice of the learned Judge in WP(MD).No.17410 of 2024.

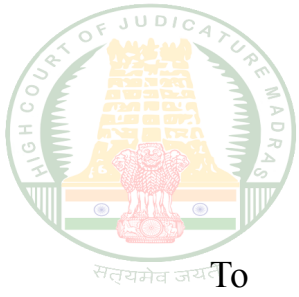
24. When majority of the members of the council have passed a resolution suspending a member of the Corporation, if the petitioner wants to cancel or modify the said resolution, it is for him to approach the competent authority. The petitioner has not chosen to challenge the resolution passed, in the present writ petition. When the Council has passed a resolution, by majority of members, the allegations of the writ petitioner as against the first respondent do not warrant any observation from this Court.

(D).Conclusion:

25. In view of the above said deliberations, there are no merits in the writ petition and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.01.2026

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
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W.P(MD).No.34931 of 2025

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- 3.The Commissioner
Dindigul Municipal Corporation
Dindigul, Dindigul District The Section Officer
- 4.V.R.Section
Madurai Bench of Madras High Court
Madurai



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W.P(MD).No.34931 of 2025

R.VIJAYAKUMAR, J.

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Pre-delivery order made in

W.P.(MD).No.34931 of 2025
and WMP(MD).No.27620 of 2025

12.01.2026