
(1967) 04 MAD CK 0009
In the Madras High Court

Mannammal

APPELLANT

Vs

Sesha Mudaliar and Others

RESPONDENT

Date of Decision : 13-04-1967

Acts Referred:

Tamil Nadu Panchayats Act, 1958 — Section 178(2)(2)

Tamil Nadu Panchayats Act, 1994 — Section 15(4)

Citation : (1968) ILR (Mad) 616 : (1967) 80 LW 486 : (1968) 1 MLJ 94

Hon'ble Judges : T. Ramaprasada Rao, J

Bench : Division Bench

Judgement

T. Ramaprasada Rao, J.—This civil revision petition raises an interesting question under the Madras Panchayats Act, 1958. The petitioner's

election was called into question, by an election petition filed by the respondents herein before the Election Tribunal constituted under the Act in the

normal course. The petitioner before me raised the question whether such an election petition before the Election Tribunal constituted under the

Act is maintainable, as she was a member who was co-opted u/s 15(4) of the Act and not elected by the citizens of the Panchayat. The Election

Tribunal, while considering the question and agreeing with the definition of co-option in the Chambers Twentieth Century Dictionary, held that co-

option mean election. It therefore held that it had the right to investigate into the merits of the so-called election petition filed before it under

Notification No. 10 issued in exercise of the powers under Clause (2) of Sub-section (2) of Section 178 of the Madras Panchayats Act, 1958.

Rule (1) of Notification 10 issued in exercise of the powers conferred by Sub-clause (11) of Sub-section 2 of Section 178 provides a forum for

the decision of election disputes relating to Panchayats. It states that save as

otherwise provided no election held under the Madras Panchayats

Act, whether of a member, President or Vice-President of a Panchayat, shall be called in question except by an election petition presented in

accordance with the rules framed thereunder. Therefore, it has to be decided in the instance case whether the petitioner, who was co-opted as a

lady u/s 15(4) of the Panchayat Act of 1958, should be deemed to have been elected within the meaning of Notification 10 referred to above. It is

unnecessary to deal with the fundamentals and the dictionary meaning of the expression, as the matter appears to be covered by authority of this

Court reported in *S. Pichaimuthuraja v. Kaliaperumal* (1966) 1 M.L.J.27, Srinivasan, J., while considering the import of the expression "co-

option" and particularly with reference to co-option of a woman member u/s 15(4) of the Act, observed as follows:

In the matter of co-opting a woman member, no process of election is contemplated under the Act. It may no doubt be that the manner by which

co-option could be effected by the Panchayat is that some member of the Panchayat proposes the name and the proposal is put to vote, but that is

not an election as contemplated by the Act.

2. As pointed out by Maxwell on Interpretation of Statutes, 11th Edition, reliance on Dictionary meaning has to be deprecated and the meanings

provided for in dictionaries need not be taken as authoritative, exponents of the meanings of words used in Acts of Parliament.

3. Further, having regard to the context in which the word "co-option" is used in Section 15(4), I am of the opinion that it cannot be placed in

juxtaposition to the word "election" so that one can be interchanged with the other, under appropriate circumstances. I do not therefore think that

the Election Tribunal had any jurisdiction to entertain the application and much less deal with the merits thereon. The order of the Election Tribunal

is set aside as having been passed without any jurisdiction thereto. This civil revision petition is allowed with costs.