
(1950) 09 MAD CK 0010

In the Madras High Court

Case No : Civil Miscellaneous Petition No. 9063 of 1950

S.P. Periaswami Pillai

APPELLANT

Vs

The Executive Officer, Panchayat Board

RESPONDENT

Date of Decision : 28-09-1950

Acts Referred:

Madras Local Boards Act, 1920 — Section 56(1), 56(4)

Citation : AIR 1951 Mad 667 : (1951) 64 LW 200 : (1951) 1 MLJ 83

Hon'ble Judges : Rajamannar, C.J.;Viswanath Sastri, J

Bench : Division Bench

Advocate : B.V. Ramanarasu, for the Appellant;

Final Decision : Dismissed

Judgement

Rajamannar, C.J.—This is art application to quash the order of the District Judge, West Tanjore, holding that the petitioner has ceased to

hold his office as a member of the Panchayat Board of Tiruvadi u/s 56 (1) (h), Madras Local Boards Act, that is to say, on the ground that he had

failed to attend the meetings of the Board for a period of three consecutive months. The petitioner's counsel first and most pressed upon us a

ground which does not appear to have been taken in the lower Court, namely, that though he did absent himself from the ordinary meetings of the

Local Board for a period of three consecutive months, he was present during those months at some of its urgent meetings and therefore it could not

be said that he had absented himself from the meetings of the Board for three consecutive months. This contention cannot prevail in view of the

explanation to Section 56 (1) (h) which runs as follows :

Explanation : A meeting held under Sub-rule (2) of Rule 3 of Schedule II or Rule 4 of that schedule shall not be deemed to be a meeting within the

meaning of this clause.

The urgent meetings which the petitioner is alleged to have attended are meetings which fall under Sub-rule (2) of Rule 3. They should therefore be

deemed not to be meetings within the meaning of Clause (h) and must therefore be completely left out of account in reckoning the absence of the

petitioner. The contention of the petitioner is that though these meetings should not be taken into account, if he had absented himself from them,

they could be taken into account if he were present at such meetings. There is neither logic nor principle to support this argument . The explanation

completely excludes urgent meetings from a consideration of the question which arises under Clause (h).

2. The second contention was that the petitioner attended meetings of the Board after he had ceased to hold office and therefore he should be

deemed to have been restored u/s 56 (4) of the Act. There is obviously no substance in this contention, because a person who ceased to be a

member of the Board can be restored only by a resolution of the Board at a meeting held after an application by such person for restoration.

3. The application is therefore dismissed.