

**In Re: Ramanathan Chettiar**

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**SooperKanoon Citation :** [sooperkanoon.com/792541](http://sooperkanoon.com/792541)

**Court :** Chennai

**Decided On :** Aug-26-1930

**Reported in :** AIR1931Mad138

**Appellant :** In Re: Ramanathan Chettiar

**Judgement :**

**Pandalai, J.**

1. Petition to revise the order of the learned District Judge of Ramnad dismissing the petitioner's application under Section 57, Local Board's Act, to be declared entitled to continue as a member of the Taluk Board of Sivaganga and as such also a member of the District Board of Ramnad.

2. The petitioner was elected in 1927 as a member of the Taluk Board of Sivaganga and was also elected by that Board in 1927 to the District Board of Ramnad. The question to be decided was whether the petitioner having admittedly failed to attend meetings of the Taluk Board for three consecutive months February to May 1930, he had not ceased to hold office by virtue of Section 56(h) of the Act. That meetings were held on 27th February 1930, 29th March 1930, 29th April 1930 and 17th May 1930, and that the petitioner was absent at all of them, was admitted. The petitioner's absence was due to his being at Rangoon. His case before the learned Judge appears to have been that on his leaving for Rangoon he had orally instructed the President to send notices of meetings to his

Rangoon address and that as this had not been done he could not be said to have absented himself and that the meetings themselves were therefore not properly constituted. The learned Judge found that notices of meetings were sent to the petitioner to his home address at Nattarasankottai according to the previous practice, that the petitioner had left no instructions with the President or anyone else to send him notices to Rangoon and that his own letter Ex. 1, dated 12th June 1930, written in the handwriting of P.W. 1, belied his statement that he did not know of the dates of meetings. I infer that the learned Judge thought, what indeed is obvious enough on the facts, that the notices sent to the petitioner's house must in the usual course have been forwarded to him at Rangoon and that his failure to attend which he ascribed in Ex. 1 to his ill health could not be due to want of notice. It is now argued that though petitioner may have left no instructions to send the notices to Rangoon, still the President knew that he (petitioner) was in Rangoon, as letters passed between them; vide Exs. A and B, and that therefore he was bound to send the notices to him at Rangoon by registered post under Section 216 (1)(c). Section 31 enables Local Boards to make supplementary regulations in addition to the rules in Schedule 2 inter alia, in regard to the manner in which notice of meetings shall be given. Though no formal regulations appear to have been made by the Sivaganga Taluk Board and there is no provision in Schedule 2 in that behalf, the practice of the Board appears to have been to send notices of meetings to the addresses given by members by post.

3. Section 216 applies generally to all notices required to be sent by the Act or by any rule, bye-law, regulation or order made under it and it provides four alternative methods of serving notices, the latter alternative to be adopted on failure of the former. Clause (c) is the third of the alternative to be adopted, if the notice cannot be personally given or tendered (the first alternative) or if it cannot be left at his last known place of abode or business or by giving or tendering it to some adult member or servant of his family (the second alternative.) If neither of these methods is feasible, Clause (1)(c) provides that if the person does not reside in the local area and his address elsewhere is known to the President the notice is to be sent to him by registered post. This provision clearly, has no application to the notices of meetings addressed to the petitioner, if for no other reason than that his was not a case of a person who was residing outside the local area, but of one

who was permanently residing within the local area and had given his home address as the place to which the notices were to be sent but who for purposes of business had temporarily left for Rangoon. It would be absurd to apply this provision in the petitioner's case who did or should make arrangements for letters addressed to his house to be sent to him at Rangoon and to require the President, because he happened to know that petitioner had gone to Rangoon temporarily on business, to send meeting notices to Rangoon. I hold that Section 216 (1) (c) has no application to the case.

4. The only other point urged is that the petitioner had not ceased to hold office by his absence at the four meetings mentioned. The contention appears to be that the three months calculated from 27th February ended on 27th May till which day the petitioner continued in office and that as the next meeting was on 27th June, when he was present, he did not vacate his seat at all. This argument proceeds on a confusion of thought. The failure to attend meetings during three consecutive months is to be computed forward from the date of the first failure, not backward from the last. Computed from 27th February, the petitioner had failed to attend meetings for three consecutive months at the latest on 27th May, although as a matter of fact the meeting for May was held on 17th May and there were no meetings between 17th and 27th May. After 27th May at the latest the petitioner ceased to hold office by reason of his failure and the fallacy of petitioner's argument lies in assuming that he continued to be a member after 27th May and up to 27th June. The learned Judge's order was right. This petition is groundless and is dismissed.