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W.P.No.29570 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.09.2026
DELIVERED ON : 23.09.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.29570 of 2026
and W.M.P.Nos.32535 and 32842 of 2026

Agri S.S.Krishnamurthy
S/o.S.Sundaresan, Official Whip
All India Anna Dravida Munnetra Kazhagam
(AIADMK) MGR Maaligai, No.226
Avvai Shanmugham Salai, Royapettah
Chennai-600 014.

Petitioner(s)

Vs

1. The Secretary
Tamil Nadu Legislative Assembly
Fort St.George, Chennai-600 009.
2. State of Tamilnadu
Rep by its Chief Secretary Secretariat
Fort St.George, Chennai-600 009.
3. Union of India
Rep by Secretary, Ministry of Jal Shakti
New Delhi.

Respondent(s)

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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to the Assembly Resolution communicated as having been passed on 19.6.2026 concerning the Mekedatu Dam issue and quash the portion inserted relating to constitution of a fresh Tribunal under Section 4 of the Inter-State River Water Disputes Act, 1956; and/or thereby declare that only the Government Resolution circulated to Members of the Legislative Assembly on 18.6.2026 can be treated as having been validly adopted by the Assembly and thereby direct the first respondent to withdraw the amended communication sent to the Union Government and substitute the original resolution circulated on 18.6.2026.

For Petitioner(s): Mr.S.R.Rajagopal
Senior Counsel
Asst by Mr.Lamech Indian
and Mr.I.S.Inbadurai

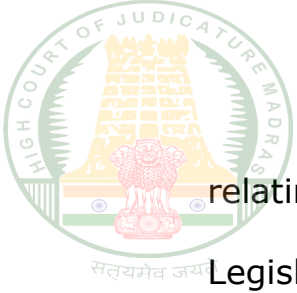
For Respondent(s): Mr.Vijay Narayan
Advocate General
Asst by Mr.J.Lenin
Special Govt Pleader
and Mr.Akash Srinandha
Govt Advocate for R1 and R2

Mr.A.Kumaraguru
Senior Panel Counsel
for R3

ORDER

THE CHIEF JUSTICE

This writ petition, filed under Article 226 of the Constitution, seeks a writ of certiorarified mandamus calling for the records

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relating to Resolution No.2/2026 passed by the Tamil Nadu Legislative Assembly on 19.06.2026 concerning the Mekedatu Dam issue, and to quash that part of the Resolution which urges the Union Government to constitute a fresh tribunal under Section 4 of the Inter-State River Water Disputes Act, 1956. The petitioner also seeks a direction to the first respondent to withdraw the communication of the amended Resolution sent to the Union Government and to restore the Resolution in the form in which it was originally circulated to Members on 18.06.2026.

2.1. The case of the petitioner is that the Government Resolution circulated to Members on 18.06.2026 objected to the Karnataka Government's proposal to build a dam at Mekedatu and asked the Union Government to withhold clearances for the project. This circulated text, he asserts, did not contain any demand for a fresh tribunal under Section 4 of the 1956 Act. The said demand, he pleads, surfaced only during the debate on 19.06.2026, when the Leader of the Opposition raised it, and was accepted by the Chief Minister and incorporated into the Resolution without it ever being separately moved, seconded, debated or put to a distinct vote, as

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required under Rule 104 of the Tamil Nadu Legislative Assembly Rules governing amendments. It is stated that the Resolution, so altered, was nonetheless recorded and communicated to the Union Government as having been carried unanimously, even though members of the AIADMK, the PMK and the CPI are said to have objected to the manner of its inclusion.

2.2. The grievance of the petitioner is not with the Assembly's opposition to the Mekedatu project itself, but with the legality of the process by which the tribunal clause found its way into the final text that was sent outside the House. He submits that Article 212 of the Constitution of India, which bars courts from questioning the validity of legislative proceedings on the ground of an alleged irregularity of procedure, has no application here because what is under challenge is not a mere irregularity, but the authenticity of a document communicated to a constitutional authority outside the House, which never in fact received the assent of the House in the manner claimed.

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3.1. The Secretary of the Legislative Assembly/first respondent, in the counter affidavit, took the preliminary objection that the writ petition is barred by Article 212 of the Constitution of India and ought to be dismissed *in limine*.

3.2. On facts, the first respondent set out the following sequence. The Chief Minister gave notice under Rule 172 of the Tamil Nadu Legislative Assembly Rules on 18.06.2026 of his intention to move the Government Resolution, and the Speaker included it in the list of business for 19.06.2026. The Resolution was moved at 9.45 am that day. At 9.35 am, shortly before, the Leader of the Opposition had given a notice under Rule 104 of the Tamil Nadu Legislative Assembly Rules seeking to add a paragraph on the tribunal. Owing to the shortness of the notice, it could not be taken up by the Speaker in the ordinary course. During the debate, the Leader of the Opposition asked that his suggestion be included. While replying, the Chief Minister told the House that a consultation on setting up a special tribunal had already been held with legal experts on 26.05.2026, that steps were under way to establish it, and that he, therefore, asked the Speaker to add the suggestion



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after paragraph 4 of the Resolution. No member rose to oppose this while the Chief Minister was speaking or afterwards. The Speaker then put the Resolution, as amended, to a voice vote, asked those in favour to say "Aye" and those against to say "No", noted that no one opposed, and declared it carried unanimously. The amended Resolution was forwarded to the Chief Secretary the same day, as required under Rule 180 of the Tamil Nadu Legislative Assembly Rules.

3.3. The affidavit of the first respondent also brings on record that the very same grievance was raised on the floor of the House on 07.08.2026 by the leader of the AIADMK Legislature Party, and that the Speaker, after explaining the sequence of events, ruled that no illegality had occurred, a ruling that was not questioned or otherwise departed from.

4. In reply, the petitioner did not deny any of this sequence. Indeed, he built his case squarely upon it. He points out that the affidavit of the first respondent admits that the amendment notice could not be considered by the Speaker for want of time, was never

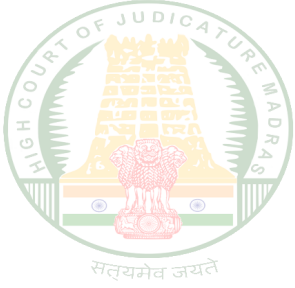
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separately moved, seconded, debated or voted upon, and that the file was closed not because the amendment had gone through the procedure, but because the Chief Minister had announced it. He, therefore, pleads that the tribunal clause was never lawfully introduced as an amendment at all, and that its inclusion in the Resolution communicated to the Union Government misrepresents what the House actually decided.

5. Heard learned Senior Counsel appearing on behalf of the petitioner; learned Advocate General appearing on behalf of respondent Nos.1 and 2; and learned Senior Panel Counsel appearing on behalf of the third respondent and perused the documents on record and the authorities relied upon by them.

6. Two questions arise for our consideration:

- (i) Is this petition barred by Article 212 of the Constitution of India?
- (ii) Even if it survives that bar, is there any illegality, in the narrow sense in which courts may examine



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such matters, in the manner in which the Resolution came to be adopted and communicated?

FIRST QUESTION

7. Article 212(1) of the Constitution of India provides that the validity of any proceeding in the Legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure. Article 212(2) of the Constitution of India protects officers and Members of a State Legislature, in whom powers of regulating procedure or conduct of business are vested, from the jurisdiction of any court in respect of the exercise of those powers.

8. The provision does not stand alone and it has been the subject of authoritative exposition by the Supreme Court on more than one occasion, and that body of law governs this case.

9. Article 212 of the Constitution of India does not operate in isolation. It forms part of a constitutional scheme, along with Article 194 of the Constitution of India, that secures to every State

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Legislature the same measure of internal autonomy that Articles 105 and 122 of the Constitution of India secure to Parliament.

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10.1. In *Gopichand Kundalik Padalkar v. State of Maharashtra*¹, a Division Bench of the Bombay High Court, dealing with a challenge to the election of the Deputy Chairman of the Maharashtra Legislative Council, reproduced both Article 194 and Article 212 of the Constitution of India together and proceeded on the footing that the two provisions must be read conjointly. Article 194 of the Constitution of India guarantees freedom of speech in the Legislature and immunizes Members from proceedings in respect of anything said or done inside the House, while Article 212 of the Constitution of India forecloses judicial examination of the "validity of any proceedings" on the ground of "irregularity of procedure".

10.2. We respectfully adopt the aforesaid approach. The grievance raised in the present petition that a suggestion made across the floor was accepted and incorporated into a Resolution

¹ (2021) 4 Mh LJ 218

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without the separate motion, seconding, debate and division ordinarily contemplated by Rule 104 of the Tamil Nadu Legislative Assembly Rules is, on any fair reading, a complaint about "procedure" within the meaning of both Article 194 and Article 212(1) of the Constitution of India

11.1. In *Pandit M.S.M. Sharma v. Dr. Shree Krishna Sinha*², the Supreme Court held that once a matter falls within the internal procedure of a House, courts will not sit in judgment over how that procedure was applied, for Article 212 of the Constitution of India exists precisely to keep such questions out of the courtroom and within the House itself. It is instructive that this principle was applied even though the petitioner there was a journalist facing breach-of-privilege proceedings and not a Member of the House at all. The Supreme Court held, at paragraph 9, that the questions raised stood concluded by its own earlier decision on the point and that "*the petitioner has no fundamental right which is being threatened to be infringed by the proceedings taken by the opposite party.*"

² AIR 1960 SC 1186

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11.2. At paragraph 10, the Supreme Court went on to deal with *"the other subsidiary questions raised on behalf of the petitioner"*, namely, that the procedure adopted inside the House was not regular and not strictly in accordance with law. The Supreme Court gave two independent answers, both squarely applicable here. First, in the absence of an infraction of a fundamental right, the petitioner *"is, therefore, out of Court."* Second, and independently, *"the validity of the proceedings inside the Legislature of a State cannot be called in question on the allegation that the procedure laid down by the law had not been strictly followed"*, Article 212 of the Constitution of India being *"a complete answer to this part of the contention."*

11.3. The Supreme Court then drew a distinction of enduring importance: *"Courts have always recognised the basic difference between complete want of jurisdiction and improper or irregular exercise of jurisdiction. Mere non-compliance with rules of procedure cannot be a ground for issuing a writ under Article 32 of the Constitution."* This distinction governs this case. No one suggests that the Tamil Nadu Legislative Assembly lacked the power

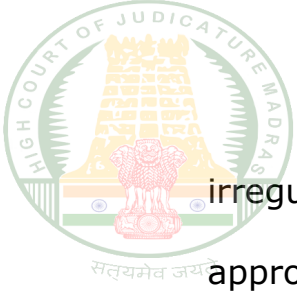


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to pass a Resolution on the Mekedatu issue, or the power to urge the Union Government to constitute a fresh tribunal. What is alleged, at its highest, is that in doing so the House did not adhere with precision to the sequence prescribed by Rule 104 of the Tamil Nadu Legislative Assembly Rules. The said aspect, on the Supreme Court's own formulation, is "*improper or irregular exercise of jurisdiction*", not "*want of jurisdiction*", and it is precisely the category of grievance that Article 212 of the Constitution of India places beyond judicial reach.

12. The aforesaid principle was elaborated in the Presidential Reference case, *In re: Under Article 143, Constitution of India*³ (Special Reference No.1 of 1964), (commonly known as the *Keshav Singh* case), where the Court explained that the immunity conferred by Article 212 of the Constitution of India protects the House's proceedings from being reopened merely because a rule of procedure was, or is said to have been, departed from, while equally clarifying that a proceeding suffering not from mere

³ AIR 1965 SC 745

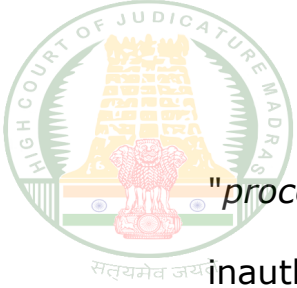
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irregularity, but from illegality, would remain open to scrutiny in an appropriate court.

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13. In the present case, the grievance is that a suggestion made by the Leader of the Opposition during debate was accepted by the Chief Minister and incorporated into a Resolution without a separate formal motion, seconder, debate and division under Rule 104 of the Tamil Nadu Legislative Assembly Rules. That is, by definition, a complaint about the internal procedure by which the House arrived at its Resolution. It is not a complaint that the House lacked the power to pass such a Resolution, nor that the Resolution is void for want of jurisdiction, nor that it was carried by fraud or in bad faith. The petitioner's own affidavit disclaims any challenge to the substance of the Assembly's opposition to the Mekedatu project; he confines himself to the process. That is exactly the kind of grievance Article 212 of the Constitution of India was designed to keep outside the doors of this Court.

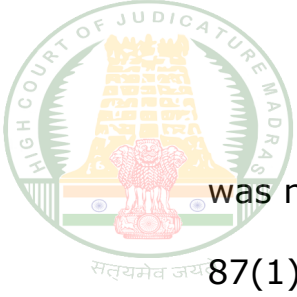
14. The petitioner's attempt to escape this conclusion by characterizing the issue as one of "*authenticity*" rather than

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"procedure" does not survive scrutiny. What is said to be inauthentic is not the text of the Resolution, as nobody disputes what was said, by whom, or that it was said in the House and recorded in the House's own proceedings, which the petitioner himself relies upon and annexes to his pleadings. What is said to be wrong is only the sequence of steps by which that text was arrived at. A document is not rendered a stranger to the House merely because a party disputes whether Rule 104 of the Tamil Nadu Legislative Assembly Rules was fully complied with in incorporating it and that dispute is, at its core, about procedure, and procedure is precisely what Article 212 of the Constitution of India places beyond the reach of a writ court.

15.1. The point is reinforced, and indeed fortified, by a decision of a Constitution Bench of the Supreme Court in *Ramadas Athawale v. Union of India*⁴. In the said case, a sitting Member of the Lok Sabha filed a writ petition under Article 32 of the Constitution of India contending that the session of the House commencing on 29.1.2004 was constitutionally infirm because it

4 (2010) 4 SCC 1

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was not preceded by a special address of the President under Article 87(1) of the Constitution of India, the President being obliged to address the House only "*at the commencement of the first session of each year.*" The controversy thus concerned, in substance, whether a particular sitting of the House was validly convened at all, which is a challenge more directly to the foundation of the session, than the challenge in the present case, which concerns only the mode of introducing one clause into an admittedly validly convened Resolution.

15.2. Even on such fundamental challenge, the Supreme Court declined to examine the merits, holding that whether the resumed sitting of the House was to be treated as the second part of an earlier session, as directed by the Speaker under Rule 15 of the Rules of Procedure and Conduct of Business in Lok Sabha, or as a fresh session, "*is essentially a matter relating purely to the procedure of Parliament*", the validity of which "*cannot be tested and gone into by this Court in a proceeding under Article 32 of the Constitution of India.*" It further describes the Speaker as "*the guardian of the privileges of the House and its spokesman and*



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representative upon all occasions", who is "the interpreter of its rules and procedure", and who is "invested with the power to control and regulate the course of debate and to maintain order", the power to regulate procedure and conduct of business vesting in the Speaker by virtue of the rules framed under Article 118 of the Constitution of India.

15.3. The Supreme Court explained that the rules of business made by a House under Article 118(1) of the Constitution of India are themselves "*subject to the provisions of the Constitution*", and that Article 122(1) of the Constitution of India forbids questioning the validity of "*any proceedings in Parliament*" on the ground of "*any alleged irregularity of procedure*", while Article 122(2) confers immunity on officers and Members in whom regulatory powers are vested. Relying on *Keshav Singh's* case (supra) and on *Indira Nehru Gandhi v. Raj Narain*⁵, the Supreme Court held that no decision of the Speaker "*can be challenged by a Member of the House complaining of mere irregularity in procedure in the conduct of the business*", for "*such decisions are not subject to jurisdiction of any*

⁵ 1975 Supp SCC 1



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court and they are immune from challenge", and reiterated that "the House is not subject to the control of the courts in the administration of the internal proceedings of the House." The Supreme Court concluded that "it is a right of each House of Parliament to be the sole judge of the lawfulness of its own proceedings", a philosophy traced to the constitutional design of maintaining "a fine balance between legislature, executive and judiciary" so that "each of the constitutional organs functions within their respective assigned sphere", a philosophy the Court held to be "inbuilt into Article 122 of the Constitution of India", and which applies with equal force to Article 212 of the Constitution of India, its counterpart for the State Legislatures.

15.3. Every strand of the reasoning in the aforesaid decision applies with equal, if not greater, force to the facts before us.

16.1. Learned Senior Counsel for the petitioner placed heavy reliance on the decision of the Supreme Court in *Dr.Sunil Kumar Singh v. Bihar Legislative Council & Others*⁶, to contend that any

⁶ (2026) 2 SCC 364



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administrative or disciplinary action emanating from a legislative body or its committees is subject to judicial review and subject to the test of proportionality. However, a careful reading of paragraphs 22 through 27 of the said judgment, as highlighted by learned Advocate General, demonstrates that the principles laid down in *Sunil Kumar Singh* (supra) are entirely distinguishable from the facts of the present case.

16.2. In *Sunil Kumar Singh* (supra), the Supreme Court drew a clear, fundamental distinction between "*Proceedings in the Legislature*" and a "*Legislative Decision*". The Apex Court held in Paragraphs 23 to 27 that the bar under Article 212(1) applies strictly to protect internal "*Proceedings in the Legislature*" from being challenged on grounds of procedural irregularities. The Supreme Court emphasized that procedural steps, floor debates, and internal committee inquiries designed to facilitate house deliberations fall squarely within this constitutional immunity.

16.3. By contrast, the intervention in *Sunil Kumar Singh* (supra) was strictly confined to reviewing an administrative decision

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of expulsion that directly affected constitutional rights. In the present matter, the challenge raised by the petitioner directly attacks the core internal proceedings, floor deliberations, and procedural conduct of the House itself. As explicitly reaffirmed in paragraphs 25 and 27 of *Sunil Kumar Singh* (supra), Constitutional Courts must exercise complete restraint and defer to the immunity granted under Article 212(1) of the Constitution of India when internal legislative proceedings are called into question on allegations of procedural irregularity. Consequently, the reliance placed on *Sunil Kumar Singh* (supra) by the petitioner is misplaced and offers no assistance to their case.

17. The Speaker of the Tamil Nadu Legislative Assembly is, under Rule 286 of the Tamil Nadu Legislative Assembly Rules, vested with the power to decide all questions of procedure arising in the House. The acceptance, on the floor, of an oral suggestion made during the Chief Minister's reply, and its incorporation into the Resolution without a separate written motion under Rule 104 of the Tamil Nadu Legislative Assembly Rules, was, at the very highest, an exercise of that very power to regulate procedure. Consistent with



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Article 194 read with Article 212 of the Constitution of India and the unbroken line of authority beginning with *M.S.M.Sharma* (supra) and culminating in *Ramadas Athawale* (supra), it is not open to this Court to sit in appeal over that exercise merely because the petitioner contends that a more elaborate procedure ought to have been followed.

18. For the aforesaid reasons, we hold that the grievance raised in this petition, however it is dressed up, is a complaint about the internal procedure of the House within the meaning of Article 194 read with Article 212 of the Constitution of India, and the writ petition is, on that ground alone, not maintainable.

SECOND QUESTION

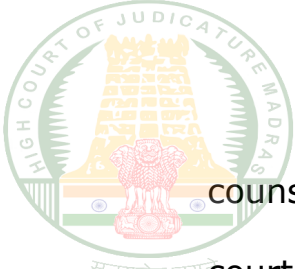
19. Although the finding on Article 212 of the Constitution disposes of the writ petition, it is appropriate to deal with the merits, since they were argued at length.

20. The Speaker of a House does not merely record motions, he regulates the conduct of business and controls its procedure,

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subject to the Rules, and it is well settled that the House and its presiding officer are the best judges of the propriety of their own proceedings. Rule 286 of the Tamil Nadu Legislative Assembly Rules vests the Speaker with the power to decide all questions of procedure arising in the House.

21. In the case at hand, the Chief Minister, while replying to a debate in which every member had the full opportunity to participate in, offered to add a sentence reflecting a step his Government had already been taking since a legal consultation held nearly a month earlier. He asked the leave of the Speaker to do so. No member objected, either then or when the amended Resolution was read out and put to the vote. The vote itself was unanimous. This is not an unusual or irregular way for a resolution to acquire its final shape on the floor of a House. Legislatures routinely accept oral suggestions or modifications during a Minister's reply, and unless a rule in absolute terms forecloses that course, the presiding officer's acceptance of it, unopposed by the House, is not something a court can second-guess, particularly in view of the caution

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counselled in *Gopichand Kundalik Padalkar* (supra) against a writ court replacing its own assessment for that of the Legislature.

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22. The petitioner leans heavily on the file endorsement that "*no further action is required*" on the Leader of the Opposition's separate written notice. The said endorsement reads naturally, not as an admission that the tribunal clause was smuggled into the Resolution without sanction, but as a simple closing of an administrative file once its purpose, viz., inclusion of the substance of the suggestion, had already been achieved through the route the Chief Minister himself proposed and the Speaker accepted, on the floor, in the presence of the whole House.

23. The argument advanced by learned Senior Counsel for the petitioner qua the absence of a separate vote cuts no ice. The Speaker announced, before the vote, that the Resolution as amended was being put to the House. Members had heard the Chief Minister's speech proposing the addition. They had every opportunity, at that moment, to ask for a separate vote on the addition, or to record dissent. Nobody did. A voice vote taken on a



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Resolution, after its amended form has been read out to the House without objection, is a valid vote on the Resolution in that form; there is no requirement, statutory or otherwise, that every sentence of a composite resolution be separately voted upon once the House has been told, and has accepted without demur, that the Resolution before it stands amended.

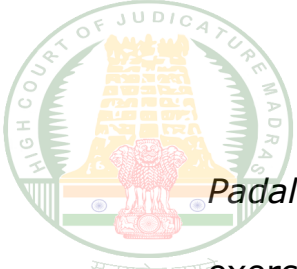
24. This conclusion is reinforced by two further circumstances. First, this very grievance was raised on the floor of the House on 07.08.2026 by the Leader of the AIADMK Legislature Party, and the Speaker, after narrating the sequence step by step, ruled that no illegality had occurred in the procedure followed on 19.06.2026. That ruling was not questioned within the House at the time, whether by a point of order or otherwise, and the petitioner does not explain why this Court should reach a different conclusion on the identical facts.

25. Second, and more fundamental, circumstance is that if members present in the House, who had the opportunity then and there to object, chose instead to vote "Aye" or to remain silent,

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they cannot, weeks later, ask a court to treat their own silence as a nullity. The principle that a person who stands by, watches an act take place, and permits it to occur without protest cannot subsequently be heard to complain of it, applies with as much force to the floor of a legislature as it does to any other public proceeding. This is not a case of a citizen who was shut out or misled; it is a case of a Member, and of the party he belongs to, who was present in the House when the amendment was proposed, read out and voted upon. A challenge of this kind cannot succeed unless prejudice is "*ex facie apparent*". The petitioner's own conduct, his continued presence through the debate, his silence at the vote, and his party's subsequent unsuccessful attempt to reopen the issue within the House itself demonstrates that no such prejudice exists. Courts exercising jurisdiction under Article 226 of the Constitution of India are not obliged to entertain a challenge founded on an irregularity that the petitioner himself was in a position to object to at the time, and chose not to.

26. We would add, finally, the overarching caution administered by the Bombay High Court in *Gopichand Kundalik*



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Padalkar (supra) that a High Court, in restricted circumstances, may exercise its power of judicial review to ensure that there is no abuse of power by a State Legislature in respect of its proceedings, but the Court must tread with caution and judicial restraint, because the High Court is not an appellate body over the State Legislature, nor is the State Legislature an inferior organ to the High Court. Articles 211 and 212 of the Constitution of India, read conjointly, form part of a Constitutional scheme of mutual deference between the High Court and the State Legislature regarding their internal functioning, and judicial review will lie only where the case is of such gravity that it transcends this scheme of mutual deference.

27. In the case at hand, no case of the requisite gravity, such as want of jurisdiction, substantive illegality, mala fides, breach of any constitutional limitation, has been made out by the petitioner.

28. For the reasons aforegiven, the writ petition fails both on the threshold objection under Article 212 of the Constitution of India and, in any event, on its merits.

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Resultantly, the writ petition is dismissed. There shall be no order as to costs. Consequently, connected interim applications stand closed.

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(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
23.09.2026

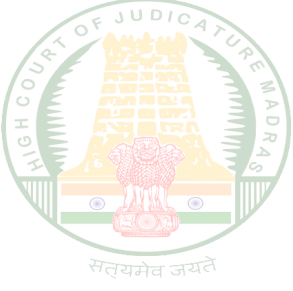
Index : Yes
Neutral Citation : Yes
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To:

1. The Secretary
Tamil Nadu Legislative Assembly
Fort St.George, Chennai-600 009.
2. The Chief Secretary, State of Tamilnadu
Secretariat, Fort St.George,
Chennai-600 009.
3. The Secretary, Union of India
Ministry of Jal Shakti
New Delhi.



Order QR



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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