

(2014) 02 KAR CK 0385

In the Karnataka High Court

Case No : Writ Petition No. 202288 of 2014 (LB-Res)

Akbar Khan

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 21-02-2014

Acts Referred:

Karnataka Panchayat Raj Act, 1993 — Section 141(2)(b)

Citation : (2014) 4 KarLJ 156

Hon'ble Judges : Mohan M. Shantana Goudar, J

Bench : Single Bench

Advocate : Ashok S. Kinagi, Advocate for the Appellant; Manvendra Reddy, Government Advocate, Advocate for the Respondent

Judgement

Mohan M. Shantanagoudar, J.—The notice at Annexure-A, dated 14-2-2014 issued by the Executive Officer of Taluka Panchayat, Bidar, calling for meeting to discuss about "no-confidence motion" moved against the petitioner is questioned in this writ petition. The only ground urged by the petitioner is that 15 days clear notice is not provided to the members to discuss about "no-confidence motion".

2. Such a submission cannot be accepted. More than 1/3rd members have moved "no-confidence motion" as per Annexure-C, dated 28-1-2014. Out of 23 members of Taluk Panchayat, 14 members have signed "no-confidence motion" as is clear from Annexure-C, dated 28-1-2014. However, Adhyaksha did not call for meeting to discuss about "no-confidence motion". Having no other alternative, the Executive Officer of Taluk Panchayat, Bidar, issued notice dated 14-2-2014 as per Annexure-A to discuss about "no-confidence motion" on 22-2-2014, u/s 141(2)(b) of Karnataka Panchayat Raj Act, 1993, 7 days clear notice for special meeting is sufficient. Since the Adhyaksha has failed to call for meeting within 15 days, the Executive Officer has called for meeting by issuing notice as per law. This Court in the case of Abdul Razak Vs. The Assistant Commissioner, Davanagere Sub-Division and Others, , has ruled that since the right to remove Adhyaksha from office is right conferred on members, Adhyaksha

not having such right, has no locus standi to challenge notice. What removes him from office is not notice but motion against him passed with requisite majority. Any irregularity in notice is not required to be enquired into at the instance of Adhyaksha.

Following the very dictum laid down by this Court, this Court declines to entertain this writ petition. Accordingly, the writ petition fails and the same stands dismissed.