

(2001) 06 KAR CK 0023

In the Karnataka High Court

Case No : Writ Petition No's. 12224 and 12925 of 2001

Arockyadas alias Dass Chinnasavari

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 28-06-2001

Acts Referred:

Karnataka Municipalities Act, 1964 — Section 13, 18 (1) (a)

Citation : (2001) 4 KCCR 2447

Hon'ble Judges : V. Gopala Gowda, J

Bench : Single Bench

Advocate : S.P. Shankar, in Writ Petition No. 12224 of 2001 and B.V. Nagarathna, in Writ Petition No. 12925 of 2001, for the Appellant; Suman Hegde, High Court Government Pleader, for Respondents 1 and 2 in Writ Petition No. 12224 and 12925 of 2001, J.G. Chandramohan, for Respondent 3 in Writ Petition No. 12224 of 2001 and K.N Phanindra, for Respondent 4 in Writ Petition No. 12925 of 2001, for the Respondent

Final Decision : Dismissed

Judgement

V. Gopala Gowda, J.—These two writ petitions are filed by the President and Vice-President of Robertsonpet City Municipal Council seeking to quash the Notification No. UDD 32 MLR 2001 (28) issued by the Government u/s 13 of the Karnataka Municipalities Act, 1964. After the filing of these writ petitions, in view of the subsequent events that took place, viz., elections have already been held and results have been declared, these writ petitions have become infructuous.

2. The claim of the Petitioners that their term of office will come to an end on 2.8.2002 cannot be accepted. General election to the City Municipal Council was held on 1.6.1996 and the term of office commenced on 25.6.1996 when the first meeting was called. The five years term of office of the municipal council came to an end on 24.6.2001. When the primary councillorship of Petitioners itself came to an end, their office of President and Vice-President also came to an end automatically irrespective of their term of office in that position in view of Section

18(1)(a) of the KMC Act of 1964. In other words, without they being the councillors of the third Respondent-City Municipal Council, they cannot continue as President and Vice-President. In this view of the matter, the claim of the Petitioners is wholly untenable and the writ petitions are misconceived.

3. Writ petitions are dismissed.