

(1995) 09 KAR CK 0030

In the Karnataka High Court

Case No : Writ Petition Nos. 16846, 17360 and 17402 of 1995

G. Kuppuswamy and Others

APPELLANT

Vs

State of Karnataka and Another

RESPONDENT

Date of Decision : 12-09-1995

Acts Referred:

Constitution (Seventy-Fourth Amendment) Act, 1992 — Article 243Q, 243U, 243Zf

Citation : (1995) 5 KarLJ 618

Hon'ble Judges : Kumar Rajaratnam, J;S. Rajendra Babu, J

Judgement

S. Rajendra Babu, J.-In a batch of cases listed before us, the petitioners have sought for:

(i) a declaration that the appointment of administrators to Municipal Corporations and Municipal Councils in the State of Karnataka as unconstitutional and void or ultra vires the relevant provisions of the legislative enactments;

(ii) for restoration of the Municipal Corporations/Councils until elections are held to respective Municipal bodies;

(iii) for a declaration, the period of term for which administrators are appointed as illegal and to extend the term of the respective Municipal Corporations/Councils until elections are held.

2. These petitions have been heard along with other matters similar in nature, but for purpose of convenience, separate orders are made. The names of Advocates appearing in connected matters are also shown in the cause-title above as having been heard.

3. The petitioners in these and the said cases are declared to have been elected as Councillors of Municipal Corporation/ Council, under the Karnataka Municipal Corporations Act or Karnataka Municipalities Act in the month of May, 1990. The first meeting of the Council was held on or before 31-5-1990 and in some cases in June/July, 1990. Their tenure in office is five years from the date of publication of result of election in the Gazette.

4. The Constitution was amended by the 74th Amendment Act inserting Part IX-A containing Articles 243-P to 243-ZG into the Constitution. Article 243-U of the Constitution refers to duration of the Municipality and Article 243-ZF of the Constitution refers to continuance of the existing laws and Municipalities. Under Article 243-ZF of the Constitution, the existing Municipality was continued till the expiration of their term unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of the State or in the case of a State having a Legislative Council by each House of the Legislature of the State. The existing laws relating to Municipalities inconsistent with Part IX-A of the Constitution would continue to be in force until amended or repealed or one year whichever is earlier. The provisions relating to appointment of an Administrator under Section 100(1)(c) of the K.M.C. Act is omitted by the Karnataka Act 35 of 1994. Section 47 of the said Act 35 of 1994 and Section 54 of Act 36 of 1994 provide that if any difficulty arises in giving effect to the provisions of the respective Acts, the Government may by order published in the official Gazette as the occasion may require do something which appears to it to be necessary to remove the difficulty.

5. The period for which the council was elected came to an end on or before 31-5-1995 and in some cases during June/July, 1995, if we reckon the period of five years from the date of first meeting. Certain writ petitions had been filed before this Court challenging the notification issued appointing the Administrator in Writ Petition No. 15652 of 1995 and an interim order was also granted against which Writ Appeal No. 1383 of 1995 is filed. As a consequence thereof, it is stated that the petitioners continued in office till the expiry of the period of five years from the date of the first meeting.

6. Although at the time of filing of the petitions, reliefs such as continuation in office had been sought for, in view of the lapse of time those reliefs cannot be given effect to now and as such, the relief sought for by the petitioners is confined to impugned Annexures by which an Administrators were appointed till the commencement of the term of office of the newly elected council on the expiry of the term of the present council and for consequential reliefs. The petitioners challenge this notification on various grounds.

7. The Constitution by introduction of Chapter IX-A has made certain provisions in relation to Municipalities including a Municipal Corporation and under Section 243-U of the Constitution, the duration of the Municipality is set out. It is contended that there is an obligation under Article 243-U(3) to hold election to constitute a Municipality before the expiry of the duration of the Municipality or in the event of dissolution within a period of six months from the date of its dissolution. It is therefore submitted that in the present case where the term of office came to an end on 27-5-1995 election should have been held before the expiration of the term and such process not having been done, it is not open to the respondents to appoint an Administrator relying upon their own default in not holding the elections in due time. To buttress this argument, it is pointed out:

(i) that Section 100(1)(c) of the Act which enabled the Government to appoint an

Administrator in such circumstance is no longer available since the said section has been deleted by virtue of the Amendment Act 35 of 1994;

(ii) that the Appointment of Administrator is made in exercise of the powers available under Section 47 of the Amendment Act 35 of 1994 and the power for removal of difficulties cannot be exercised for the purpose of overcoming the difficulty created by themselves on account of their lapse in not conducting the election in due time and further the object of deletion of Section 100(1)(c) of the Act is defeated by reason of the order made in exercise of the powers under Section 47 of the Karnataka Act 35 of 1994;

(iii) that the power to remove difficulties could not be exercised to defeat the provisions of the Act as the legislative intendment in that regard was clear;

(iv) that the Administrator appointed under Section 47 of the Amendment Act has no power to perform the duties of the Municipal Corporation/Council or its office bearers or committees inasmuch as for removal of difficulties the Act having not been amended to enable the Administrator to perform such acts in the absence of specific provisions available under the Act;

(v) that Section 47 merely enables the Government to issue orders only to remove the difficulties arising in implementing the Amendment Act and not the Karnataka Municipalities Act and therefore the power under Section 47 could not be exercised;

(vi) that under the scheme of Part IX-A of the Constitution and the K.M.C. Act, appointment of Administrator is impermissible in any circumstance and therefore Section 47 of the Amending Act could not be invoked.

Certain arguments have also been addressed in relation to the curtailment of period of the Municipal Corporation or Council, but in view of the interim orders granted in Writ Petition No. 15652 of 1995 and similar matters it is unnecessary to deal with that aspect of the matter as the Corporation continued to be in existence till the expiry of the period mentioned in Article 243-U of the Constitution of India.

8. In reply to these contentions, the learned Advocate General, Sri B.V. Acharya, learned Senior Advocate - appearing for the Administrator and Sri R.N. Narasimha Murthy, learned Senior Advocate appearing for the Election Commissioner, submitted that the provisions of the Constitution in this regard, if read with due care, would make it clear that Article 243-U is applicable only to a Municipality constituted under Article 243-Q and in the case of a Municipality constituted prior to introduction of Part IX-A of Constitution only Article 243-ZF would be applicable. We entirely agree with the submissions made on behalf of the respondents by the learned Counsel as aforesaid. Part IX-A came to be introduced into the Constitution by 74th Amendment Act and thereafter Municipalities had to be constituted in terms thereof. It cannot be conceived that the duration prescribed under Article 243-U(3) could be made applicable to

Municipalities which came into existence under a different law at an earlier point of time. In relation to such Municipalities, proviso to Article 243-ZF alone will be attracted. Proviso to Article 243-ZF reads as follows:

"Provided that all the Municipalities existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State".

Therefore, the period of duration mentioned in Article 243-U could not be invoked by the petitioners nor clauses (2) and (3) thereof could be attracted to such Municipalities.

9. Now, the short question that arises is whether it is permissible for the respondents to indefinitely postpone the election to the Municipalities merely because provisions of Article 243-U(3) is not available in the present set of circumstances. Such action on the part of the respondents would be plainly unreasonable and defeat the very purpose of constituting the Municipalities under the provisions of Part IX-A of the Constitution. Before the expiry of the term of existing Municipal Corporations, elections had to be held in the normal course. In the case of the Municipalities, no resolution had been passed by the State Legislature dissolving the same. Therefore, the power available to them under the unamended Act is available irrespective of the Constitutional Amendment and the petitioners continued in such office until expiry of the period mentioned in K.M.C. Act or Municipalities Act and thus the relief that they should be reinducted to office does not arise.

10. On the expiry of the term of the existing Municipalities, respondents have a duty to conduct elections thereto. Such elections have not been conducted owing to certain difficulties said to have arisen in regard to implementation of the provisions of the Constitution in constituting the larger urban area and in that regard a detailed statement has been filed by the respondents to the following effect: That pursuant to the 74th Amendment of the Constitution, the State of Karnataka had to amend the Municipal laws by enacting Act 35 of 1994 and 36 of 1994 amending the Karnataka Municipal Corporations Act, 1976 and Karnataka Municipalities Act, 1964. The Act came into force in June 1994. In the meanwhile elections to the State Assembly were announced on 27-9-1994 by the Central Election Commission and elections were conducted thereto on 26-11-1994 and 3-12-1994. The Election Commission advised that the State Government could not take any policy decision regarding the classification of the Municipal bodies and determination of Backward classes contemplated in the Municipal Laws mentioned therein. It is only after the new Government assumed office on 11-12-1994, further steps could be taken in that regard. The Government decided that since far reaching amendments have to be made to the Municipal Laws, a Cabinet sub-committee should examine the matter in detail and recommendation made regarding the amendments to the Acts in question. It is

stated, pursuant to the undertaking given to the Supreme Court elections had to be held to the Grama Panchayats and other Panchayatraj bodies before January, 1995. Elections to Taluk Panchayats and Zilla Panchayats also had to be held for the purpose of effective functioning of the Grama Panchayats. Steps were initiated to hold elections to 919 Zilla Panchayat seats and 3340 Taluk Panchayat seats in 20 Districts by issuing Calendar of Events in February, 1995. There were 2.16 crore voters in the rural areas who had to exercise their franchise in 36,000 polling stations in the entire State. Since elections to Zilla Panchayats and Taluk Panchayats were on a colossal scale, it was not practicable for the State Election Commission to combine the elections to Panchayatraj bodies and urban local bodies inasmuch as number of ballot boxes available were limited and the electoral personnel or other supervisory personnel such as police etc., were also very limited to ensure free and fair elections. In these circumstances, it is stated that as the Deputy Commissioners and their staff would be involved in holding elections to Assembly and Parliament, Government agreed to hold elections to Zilla and Taluk Panchayats in the month of March, 1995.

11. A Cabinet sub-committee examined certain amendments to the Municipal Laws in relation to various provisions which are set out hereunder:

- (i) Territorial jurisdiction of Municipalities;
- (ii) Criteria for the classification of Municipalities;
- (iii) Composition of Municipalities;
- (iv) Representation of MLAs/MLCs/MPs in Municipal bodies;
- (v) Constitution of Ward Committees and Standing Committees;
- (vi) Reservation of seats in Municipal bodies;
- (vii) Reservation to the offices of Chair-persons in Municipalities;
- (viii) Powers and functions to be performed by Municipal bodies.

The Cabinet sub-committee reviewed the various steps to be taken and the time frame for conduct of elections and they are proposed as under:

- (1) Issue of Notification constituting larger urban area/smaller urban area/transitional area : 3-6-1995
- (2) Framing of rules for conduct of elections to Corporations/Municipalities to the office of the Mayor/Deputy Mayor/Presidents/Vice-Presidents, etc. : June, 1995
 - (a) Reservation of wards in larger urban areas : July, 1995
 - (b) Smaller urban areas/transitional areas by the Deputy Commissioner : July, 1995
 - (c) Reservation of wards in smaller urban areas : July, 1995

(3) (a) Reservation of seats for the post of Mayor/Deputy Mayor by Government : August, 1995

(b) Reservation of seats for the post of Presidents/Vice-Presidents by Government : August, 1995

(4) Time required by the State Election Commission for ground work : 30 days(Sept. 1995)

(5) Conduct of Elections : October, 1995

(6) Constitution of New bodies : Nov. 1995.

The Cabinet met on 24-5-1995 and approved the recommendations of the Cabinet sub-committee and decided to hold elections before December, 1995. It is submitted before this Court that the following steps have been taken to conduct elections for the Urban bodies in November, 1995:

(a) Preliminary notification classifying the urban local bodies as smaller urban areas/transitional areas have been issued in respect of all urban bodies in the districts. Issue of notification specifying larger urban area is in progress;

(b) A letter has been addressed to the State Election Commission to make necessary arrangements for the conduct of elections to the urban bodies in December, 1995;

(c) Earlier decision to hold the elections to urban local bodies in December, 1995 was modified by the Cabinet subsequently and it was decided to hold the elections to these bodies in the month of November, 1995 as recommended by the State Election Commission in its letter dated 12-6-1995;

(d) Draft Election Rules for conduct of elections have been published;

(e) At the request of the State Election Commission a sum of Rs. 7 crores has been released to the Commission for meeting the expenditure of elections to the Urban local bodies;

(f) At the instance of the State Election Commission amendments to the State Municipal laws have been proposed like bringing the election staff under the control of the Commission, providing for requisition of vehicles for the conduct of elections as these provisions were considered essential before holding elections;

(g) Re-defining the Backward classes, elections were held to Taluka Panchayats and Zilla Panchayats on the basis of classifications/reservations. Consequently, necessary amendments have to be brought to the Municipalities/Corporations Act in the matter of reservation. Accordingly, Cabinet took decision and those amendments are likely to be introduced in the current session.

Proposals covering the steps mentioned at (f) and (g) have been approved and a Bill incorporating the aforesaid changes is introduced in the current session of the Legislature which will end on 20th September, 1995.

12. It is submitted, therefore, that it was not possible for the Government to hold elections to the Municipal bodies prior to the expiry of the term of the elected bodies, for the following reasons:

(a) After the general elections to the State Assembly were announced in September, 1994, it was not possible to obtain decision on major issues connected with the conduct of elections to the Municipal bodies till the assumption of office by the new Government in December, 1994;

(b) The new Government which assumed office on 11-12-1994 took a decision to constitute a Cabinet sub-committee under the Chairmanship of the Minister for Law and Parliamentary, Affairs on 24-2-1995 in order to examine the amendments which had far-

reaching implications and also to suggest a time frame to hold the elections to the Municipal bodies;

(c) In consultation with the State Election Commission a number of consequential amendments to the K.M. Act and K.M.C. Act had to be effected to facilitate the conduct of elections to the Municipal bodies. These amendments are being introduced in the current sessions of the legislature;

(d) The Government was confronted with a situation to hold the elections to Panchayat Raj bodies (Taluk Panchayats and Zilla Panchayats) before March, 1995 in accordance with the directions of the Supreme Court. The Election Commission and the District level machinery was fully engaged in the conduct of elections to the Panchayat Raj bodies. Hence, it was not possible for the Government to hold elections to the Municipal bodies during March/April 1995.

Thus, it is contended that there were good and sufficient reasons not to hold the elections earlier before the expiry of the term of office of the elected bodies and hence they had to appoint Administrators as otherwise there would be a vacuum.

13. So far as the elected members of the Municipal Corporations or Councils were concerned, the term came to an end as provided under Article 243-ZF of the Constitution. On their term coming to an end, there will be no elected body to carry on the functions of the Municipal Council or Corporation. Therefore, it is submitted that it is certainly open to the Government to appoint an Administrator, either in terms of the removal of difficulties order issued under Section 47 or 54 of the Amending Acts or in exercise of the executive powers of the State under Article 162 of the Constitution. It is submitted that the executive powers of the State could be exercised in the absence of a constitutional bar or in the absence of any legislation or rules, so long as such action does not contravene any law or rules. It is submitted that there is no bar in the Constitution to appoint an Administrator. It is also stated that under the Act there is no bar for appointment of Administrator in the circumstances arising in these cases. Therefore, it is submitted that either under the removal of difficulties order or in exercise of the powers under Article 162 such power could be

exercised.

14. One of the contentions urged on behalf of the petitioners is that Section 47 of the Amendment Act could be invoked only for the purpose of removing difficulties in giving effect to the provisions of the Act i.e., the Amendment Act, and not the parent Act namely, K.M.C. Act. The Constitution of the Corporation itself is provided under Section 5 of the Act 35 of 1994 amending Section 7 of the Principal Act and various amendments are proposed specifying larger urban area and establishment of the Corporation as provided under Section 3 of the parent Act. Thus the Amendment Act cannot be read independent of the Principal Act and the provisions of the Amendment Act cannot be given effect to without reference to the Principal Act. Thus, the reasonable way of understanding the provisions of Section 47 is that the difficulty contemplated in Section 47 is applicable to the Karnataka Municipal Corporations Act as amended by the Amendment Act. Therefore, we are of the view that there is no substance in this contention.

15. The executive power could be exercised in the absence of a constitutional bar so far as the same does not contravene any law on the matter or the rules having a force of law. A reading of the provisions of the Constitution do not indicate any bar to the appointment of an Administrator when there is a vacuum in the office by reason of not holding the elections in the special circumstances of the case. The matter must be looked from the perspective that the State could not hold elections before the expiry of the term of the previous incumbents in office for the various reasons set forth already. It is no doubt true that Section 100(1)(c) of K.M.C. Act was deleted. That was with the avowed object of holding elections before the expiry of term of office. The circumstances arising in the matter as to why elections could not be held has been explained. If elections are not held and the office remained vacant, the municipal body becomes vacuum and in such circumstances, it cannot be said that it is not permissible for the State in exercise of its executive power to appoint an Administrator, even though it may not be in terms of Section 47 or 54 of the Act 35 or 36 of 1994.

16. Even otherwise, under Section 47 or 54 of the Amending Acts, it is permissible to remove difficulties. In *Madeva Upendra Sinai v Union of India and Others*, AIR 1975 SC 797, the Supreme Court explained the scope of the said provisions. The Supreme Court noticed that the "removal of difficulty" once frowned upon as "Henry VIII Clause" after the English King who got the difficulties in enforcing his autocratic will removed through this instrumentality now finds acceptance as a practical necessity, in several Indian statutes of post-independence period. It is explained in the said decision that the existence or arising of a difficulty is a sine qua non for the exercise of the power. If this condition precedent is not satisfied as an objective fact, the power under this clause cannot be invoked at all. Again, the difficulty contemplated by the clause must be a difficulty arising in giving effect to the provisions of the Act and not a difficulty arising aliunde, or an extraneous difficulty and the exercise of the

power under the clause is only to the extent that it is necessary for applying or giving effect to the Act, and no further.

17. In substance, the contention of the petitioners is that the appointment of Administrators is void as no provision is made under the relevant statute in the circumstances arising under the various Municipal enactments. The contention is that during the interregnum between the expiry of the period of office to which the Councillors are elected and the next election, Administrators cannot be appointed as there is no provision made under the Act, inasmuch as the provisions in that regard had been deleted from the statute. It is clear from the provisions of the Constitution that none of the petitioners who had been elected as Councillors either to Municipal Council or Municipal Corporation, could continue in office on the expiry of the period mentioned in Article 243-ZF. In each of these cases, the period either reckoned from the date of issue of Gazette Notification declaring the elections to various Municipalities or the date of first meeting, has already elapsed on the expiry of 31st May, 1995 and in some cases during June/July, 1995. In the circumstances, such Councillors cannot continue in office under any circumstance unless any specific provision had been made in the statute. There is no provision in the statute to enable them to continue in office until their successors are elected. Thus, there is a clear vacuum arising on account of the absence of a relevant provision in the statute. Whatever may be the reasons for not holding elections to Municipalities, the fact remains that elections have not been held prior to the expiry of the term of the concerned Municipal body. The administration of the Municipal body has got to be carried on and in the absence of a provision under the statute, the only way to remove the difficulty is to appoint Administrators or enable any other person or body of persons to discharge the functions of the Municipal Council or Corporation. Such a course can certainly fall within the category of removing a difficulty arising in the statute and it cannot be said that such difficulty is de hors the statute. Hence, we do not agree with the contention raised on behalf of the petitioners that the difficulty arising in the present case is outside the scope of the statute. Thus adopting the very test provided in the decision of the Supreme Court in *Madeva Upendra Sinai's* case, *supra*, it must be held that the respondents have power to appoint Administrators to remove difficulties of a vacuum arising on account of absence of a provision in the matter of appointment of Administrator to the Municipal body elections thereto not having been held prior to the expiry of the term of such Municipal body.

18. Now, we shall take up the contention whether there was justification for the Government not to have conducted elections. The circumstances in which elections could not be held to the Municipal Council has already been set out earlier as stated in the Additional Statement of objections filed on behalf of the State. The State Election Commission has also filed statement of objections to the effect that the State Election Commission has been constituted under Article 243-K of the Constitution and is entrusted with the responsibility to conduct elections to Municipality under the provisions of Article 243-ZA. After the

provisions of Karnataka Municipal Corporations Act, 1976 and the Karnataka Municipalities Act, 1964 were amended to bring them in conformity with the Constitution 74th Amendment, a letter was addressed by the State Election Commissioner to the Government on 15-11-1994 stating that the tenure of the urban bodies existing in the State would expire simultaneously on 29-4-1995 and action has to be taken to place sufficient funds in a sum of Rs. 8.00 crores at the disposal of the Election Commission of the State to initiate action to conduct the elections. The State Election Commission was informed that in view of the Central Election Commission announcing State Assembly elections it would not be possible for the State Government to take a policy decision regarding the Constitution of urban bodies as well as classification of categories of persons who should be construed as belonging to backward classes. On account of certain guidelines issued by the Chief Election Commissioner, it was possible to take such action only after the elections to the State Assembly was over and a new Government took office. Thereafter the rules regarding the conduct of election to Municipalities had to be finalised and certain further amendments were required to the enactment. The draft rules have been published and the same will be finalised and the amendment to the Acts also have been introduced in regard to number of seats, delimitation of wards and the reservations and therefore the entire process is likely to be completed by 10th September, 1995. Immediately on the finalisation of the wards, action will be taken to get the electoral rolls of each ward printed without losing time. If expeditious action is taken at all stages, it will be possible for the Election Commissioner with the Co-operation of the Departments of the Government, to hold the elections before the end of November, 1995. The learned Advocate General who appeared for the State not only orally, but also by way of statement of objections filed before the Court, has assured that full co-operation will be extended by the Government to the State Election Commission in the matter of conducting election and the process of election would be completed before the end of November, 1995 and the funds in that regard to the extent of Rs. 7.00 crores have already been released and the balance would be released shortly.

19. Bearing in mind the scope of the Constitutional amendments, the wide range of amendments that were needed to the State enactments and policy decisions taken in order to identify the various categories that would fall in the reservation could not be finalised until a new Government could be constituted after the elections to the State Assembly was over in view of the guidelines issued by the Chief Election Commissioner, no motives could be attributed to the State. We find that all these formalities had to be completed before conducting the elections. We cannot say that the State has not acted with necessary despatch in the matter. Therefore, there is justification for not conducting the elections before the expiry of the term of office of the Municipalities.

20. Now the question that arises for consideration is whether the appointment of Administrators to the Municipal bodies is contrary to the provisions of the Constitution or the scheme thereof. A perusal of the various provisions of the

Constitution in that regard would indicate that the duration of the Municipality unless sooner dissolved and in case of dissolution, an Administrator could be appointed after following the due procedure prescribed thereto. It is not as though Municipal bodies could not be dissolved and an Administrator could discharge the function of the Municipal bodies. If that is permissible in the case of the circumstances calling for such dissolution, we fail to understand that when the Municipal body is not in existence on account of various circumstances set forth earlier in the course of this order as to how the appointment of Administrator to discharge the functions of a Municipality in the absence of an elected body being available is opposed to the scheme of the Constitution surpasses our comprehension. After the first Municipal Body is constituted as provided under Article 243-Q, provisions of Article 243-U is attracted and thereafter it will be the bounden duty of the State Election Commission and the Government to conduct the elections from time to time. For the first time when the Municipal Body is being constituted, various problems have arisen as to delimitation, territorial limits of different municipalities and the jurisdiction thereof and reservation. Such problems once settled, further restructuring would only be a consequential affair thereafter and there would be no impediment to the elections being held to the different Municipal bodies in time and in which event it will not be permissible for the Government to appoint Administrators on the ground that elections could not be held to the Municipal body. Article 243-U would come into play on the constitution of a Municipal body under Article 243-Q and not before. Therefore, on the facts and circumstances of this case, we must hold that the exercise of power for appointing Administrators by the State either under the provisions of the removal of difficulties clause or under the executive power of the State under Article 162 of the Constitution, is justified.

21. Sri H.B. Datar, learned Senior Advocate, appearing for the petitioners, contended that the order appointing the Administrators is an exercise in futility inasmuch as the provisions of the K.M.C. Act or the Municipalities Act do not enable the Administrators to function in the circumstances in which they are appointed. A careful perusal of the order itself will disclose that the purpose of appointment of Administrator is clearly set out and to enable carrying out all such purposes they are appointed. In the dissolution of Municipality, if Administrators could discharge the functions of the Municipality, same powers and functions could be exercised by the Administrators. Hence the difficulty felt by the learned Counsel is unfounded and not tenable in law.

22. In view of the assurance given by the learned Advocate General on behalf of the State and by Sri R.N. Narasimha Murthy, learned Senior Advocate appearing for State Election Commission, that if due co-operation is extended by the State, elections to Municipalities could be held before 30th November, 1995 and the period of appointment of Administrators will not extend beyond 30th November, 1995, it would not be advisable to replace the Administrators by any other personnel by this Court. The assurances given by the learned Advocate General and Sri R.N. Narasimha Murthy are placed on record and the respondents are

directed to hold such elections to Municipalities before the end of November, 1995.

23. Petitions shall stand disposed off accordingly.