

(1998) 03 KAR CK 0069
In the Karnataka High Court
Case No : Writ Petition No. 7202 of 1998

K.S. Pampanna

APPELLANT

Vs

The Deputy Commissioner, Bellary and Others

RESPONDENT

Date of Decision : 10-03-1998

Acts Referred:

Karnataka Panchayat Raj Act, 1993 — Section 140

Citation : (1998) ILR (Kar) 4004 : (1998) 4 KarLJ 761

Hon'ble Judges : Chandrashekaraiah, J

Bench : Single Bench

Advocate : Sri Laxminarayan, for the Appellant; Sri A. Nagarajappa, Government Advocate, for the Respondent

Judgement

1. The petitioner was the Adhyaksha of the Taluk Panchayat. Some of the members of the Taluk Panchayat issued a notice expressing no confidence against the petitioner. Thereafter some of the members who signed the notice expressed that they are withdrawing the said notice. In view of that the Chief Executive Officer decided not to call for the meeting to consider the notice given by the members expressing no confidence as against the petitioner. Thereafter the Chief Executive Officer called for the meeting for the second time fixing the date of meeting as 4-3-1998 to consider the notice expressing no confidence against the petitioner. Accordingly the meeting was held on 4-3-1998 and motion of no confidence was placed before the committee for consideration. In the said meeting the motion was passed by two-thirds majority expressing no confidence against the petitioner. This resolution has been challenged by the petitioner on the ground that on 12-12-1997 the Executive Officer decided not to convene the meeting and therefore he has no authority to call for the meeting for the second time on the basis of the notice given earlier expressing no confidence against the petitioner. The proviso to Section 140 of the Panchayat Raj Act was introduced by Act No. 29 of 1997. The said proviso reads as follows:

"Provided that no resolution expressing want of confidence in Adhyaksha or

Upadhyaksha shall be moved within six months from the date of his election; Provided further that where resolution expressing want of confidence in any Adhyaksha or Upadhyaksha has been considered and negatived by the Taluk Panchayat, similar resolution in respect of Adhyaksha or Upadhyaksha shall not be placed for consideration within six months from the date of the earlier resolution".

In the instant case, on 12-12-1997 the motion of no confidence moved by certain members was not placed before the committee for consideration. If that is so, there is no prohibition to consider the motion of no confidence on 4-3-1998. In the said view of the matter there is no substance in the contention of the learned Counsel for the petitioner. Accordingly, this writ petition is rejected.