

(2015) 03 KAR CK 0186

In the Karnataka High Court

Case No : Writ Petition No. 102088/2015 (LB-RES)

Padmavathy Chiranjeevi Reddy

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 11-03-2015

Acts Referred:

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

Citation : (2015) 03 KAR CK 0186

Hon'ble Judges : B. Manohar, J.

Bench : Single Bench

Advocate : M.V. Hiremath and V.S. Kalasurmath, for the Appellant; K. Vidyavathi, AGA, Advocates for the Respondent

Final Decision : Dismissed

Judgement

B. Manohar, J.—The petitioner in this writ petition has sought for quashing the letter dated 06.02.2015 sent by the respondents No. 3 to 11 and endorsement made on the said letter.

2. The petitioner is the Adhyaksha of Siruguppa Taluka Panchayat District: Bellary. The majority of elected members of Siruguppa Taluka Panchayat made a representation to the Adhyaksha to hold a special meeting to move the no-confidence motion against him. Since the Adhyaksha refused to receive the said representation, the majority members made a representation to the Executive Officer to call for a special meeting within 7 days to move the no-confidence motion against the Adhyaksha. The Executive Officer directed the office of the Taluk Panchayat to fix the date for special meeting and issue notice to the members within a period of 15 days. The said internal correspondence between the Executive Officer and the office of the Taluk Panchayat is challenged in this writ petition.

3. Sri. V.S. Kalsoormath, learned counsel appearing for the petitioner contended that, the Chief Executive Officer has no power to issue direction to the

Adhyaksha to call for a special meeting for the no-confidence motion against him. Under Section 141(2)(a) of the Karnataka Panchayath Raj Act, 1993 (hereinafter referred to as "the Act" for short), it is the prerogative of the Adhyaksha to call for a special meeting. In the event of Adhyaksha failing to call for the meeting, it is for the Upadhyaksha or 1/3rd of the total members of the Taluka Panchayath to call for the meeting. Hence the Executive Officer has no role to play and the endorsement issued by the Executive Officer is contrary the law.

4. On the other hand, Sri. Shivaraj V. Hiremath, learned counsel appearing for the 2nd respondent contended that, since the Adhyaksha refused to accept the representation of the majority members to call for a special meeting, 1/3rd members gave a representation to the Executive Officer to fix the date for the special meeting and issue notice to the members. The endorsement made by the Executive Officer is an internal correspondence between the Executive Officer and the office of the Taluka Panchayath. The petitioner cannot challenge the said endorsement and sought for dismissal of the writ petition.

5. Sri. Gangadhar J. M., learned counsel appearing for the respondents 3 to 11 argued in support of the argument addressed by the 2nd respondent and contended that, the Adhyaksha of the Taluk Panchayath lost the confidence of majority members. They gave a representation to call for a special meeting to move the no-confidence motion against the Adhyaksha. Since the Adhyaksha failed to call for the special meeting, in the absence of Upadhyaksha, as required under Section 141(2)(a) of the Act, 1/3rd members give a representation to the Executive Officer to give a notice to the members and fix the date for the special meeting. Accordingly, the action has been taken by the Executive Officer. The action of the Executive Officer cannot be questioned in the writ petition. No adverse order has been passed. On the other hand, the Executive Officer asked his subordinate to fix the date of the meeting and issued notice to the members. Hence he also sought for dismissal of the writ petition.

6. I have carefully considered the arguments addressed by the learned counsel appearing for the parties and perused the endorsement and other relevant records.

7. The records clearly disclose that the majority members gave a representation to the Adhyaksha to call for a special meeting. Since the Adhyaksha has not called the said meeting, representation has been given to the Executive Officer to call for the special meeting to move no-confidence motion against the Adhyaksha. Accordingly, the Executive Officer has taken steps to call a special meeting. No order has been passed adverse to the interest of Adhyaksha. Further, the Executive Officer has not issued any direction to the Adhyaksha to call for the meeting. The petitioner has no locus standi to challenge the internal correspondence between the Executive Officer and the office of the Taluk Panchayath. If the petitioner has any grievance against the action of the Executive Officer, he must take remedial measures under the Act. Writ petition is

not maintainable against the internal correspondence between the Executive Officer and the office of the Taluk Panchayat. The petitioner has not made out any case to interfere with the same.

Accordingly, the writ petition is dismissed. The 2nd respondent to consider the representation and take appropriate decision in accordance with law.