

**(2023) 03 TEL CK 0003**  
**In the Telangana High Court**  
**Case No : Writ Petition No. 19407 Of 2021**

Rangu Pushpalatha

APPELLANT

Vs

State Of Telangana And 5 Others

RESPONDENT

**Date of Decision :** 02-03-2023

**Acts Referred:**

Constitution Of India, 1950 — Article 14  
Telangana State Panchayat Raj Act, 2018 — Section 30, 30(1)

**Citation :** (2023) 03 TEL CK 0003

**Hon'ble Judges :** C.V.Bhaskar Reddy, J

**Bench :** Single Bench

**Advocate :** K Pradeep Reddy

**Final Decision :** Dismissed

## Judgement

This writ petition has been filed seeking to declare the Notice in Form-IV dated 10.08.2021 issued by respondent No.4/Revenue Divisional Officer, Metpally Division, Jagtial District, purportedly exercising powers under Section 30(1) of the Telangana State Panchayat Raj Act, 2018 (for short "the Act") basing on the alleged delivery of notice of no confidence motion against the petitioner/Upa-Sarpanch of Jaggasagar Gram Panchayat and to call for a meeting on 27.08.2021 at 12:30 PM for considering the said motion of no confidence, as illegal, without complying with Rules 2 and 3 of the Rules Relating to Motion of No-Confidence against Upa-Sarpanch of the Gram Panchayat in G.O.Ms.No.200, P.P&R.D. (Mandal-I) dated 28.04.1998 (for short "the Rules") and Section 30 of the Act and also in violation of Article 14 of the Constitution of India and consequently prayed to set aside the same and for other appropriate reliefs.

The case of the petitioner is that she was initially elected as a Ward Member of Ward No.6 and thereafter elected as Upa-Sarpanch of Jaggasagar Gram Panchayat, Metpally Mandal, Jagtial District, in the general elections held in the month of January, 2019 and since then she has been discharging her duties to the satisfaction of villagers and also complying with the directions issued by the

competent authorities in discharge of her duties as Upa-Sarpanch. While the matter stood thus, respondent No.4 has issued the impugned Notice in Form-IV dated 10.08.2021 exercising powers under Section 30(1) of the Act along with letter dated 04.08.2021 stating that notice of intention to make a motion expressing want of confidence in the Upa-Sarpanch of Gram Panchayat has been delivered to him and called for a meeting on 27.08.2021 at 12:30 PM at the office of Gram Panchayat Jaggasagar for consideration of the said motion of no confidence without there being any copy of notice in Form-I. The contention of the petitioner is that the copy of motion dated 04.08.2021 allegedly delivered by the ward members is addressed to the Sub-Collector who is not competent authority and the same amounts to non-compliance of Rules 2 and 3 of the Rules and therefore issuance of impugned notice is in violation of Section 30 of the Act and the same is liable to be set aside.

This Court while admitting the writ petition on 18.08.2021, granted interim stay of all further proceedings of Notice in Form-IV dated 18.08.2021 including the proposed meeting on 27.08.2021 at 12:30 PM.

A detailed counter affidavit has been filed by respondent No.4/Revenue Divisional Officer, Metpally Division, Jagtial District stating that as per Rule 2 of the Rules, a notice of intention to make the motion shall be made in Form-I signed by not less than one-half of the total number of members of the Gram Panchayat and it shall be delivered in person by any two members who signed such notice to the Revenue Divisional Officer, Sub-Collector or Assistant Collector, as the case may be having jurisdiction in the case of Gram Pachayat. In the present case, eight (8) ward members out of the total thirteen (13) ward members of Jaggasagar Gram Panchayat have submitted proposals of no confidence motion in prescribed format on 04.08.2021 to respondent No.4 against the petitioner expressing no confidence and sought for conducting a meeting as they fulfilled the required quorum. It is further stated that upon receipt of the requested proposals of no confidence motion from the aforesaid eight (8) ward members, respondent No.4 addressed a letter vide Letter No.K/168/2021 dated 04.08.2021 to the Mandal Parishad Development Officer (MPDO), Metpalli Mandal, Jagtial District, for verifying the genuineness of the signatures of the ward members on the proposals of No Confidence Motion. The MPDO in turn submitted a report vide Letter dated 06.08.2021 confirming that the signatures of the ward members were authentic and tallied with their signatures available at the Gram Panchayat records. Subsequent thereto, respondent No.4 has issued notices in prescribed Form-IV to all the concerned members on 10.08.2021 fixing the date of meeting. The Form-IV notices were forwarded to the MPDO, Metpally Mandal, vide letter dated 10.08.2021 for serving them on all ward members under acknowledgment. The MPDO, Metpalli Mandal, submitted a compliance report of service of notices to all the concerned vide Letter No.A1/113/2021 dated 11.08.2021 to respondent No.4. As per the said letter, all the notices were served on all the members and Sarpanch including the petitioner on 11.08.2021. Accordingly all the members of the Gram Panchayat were informed about the meeting scheduled to the

conducted on 27.08.2021 which clearly indicates that fifteen clear days were provided between the date of tendering notices and the date of conducting the proposed meeting. Further, it is stated in the counter affidavit that respondent No.4 has scrupulously followed the procedure contemplated in fixing the date of meeting and in issuing the Form-IV Notice, as such there is no illegality or irregularity committed by him in this regard and accordingly he prays for dismissal of the writ petition.

Learned counsel for the petitioner submits that there is no delivery of Form-I notice by the ward members to respondent No.4/Revenue Divisional Officer signed by at least two members in compliance of Rule 2 of the Rules, as such the procedure adopted by the respondents is illegal. Learned counsel further submits that Form-I and copy of the proposed motion of no confidence were not served on the petitioner along with Form-IV in compliance with Rules 2 and 3 of Rules and therefore, calling for a meeting for no confidence motion in Form-IV amounts to violation of procedure prescribed in G.O.Ms.No.200 Panchayat Raj and Rural Development, dated 28.04.1998 and also contrary to Section 30 of the Telangana State Panchayat Raj Act, 2018, and therefore, the impugned notice in Form-IV dated 10.08.2021 is liable to be set aside.

Per contra, learned Government Pleader for Panchayat Raj and Rural Development appearing for respondent Nos.1 to 4 submits that soon after receipt of the proposals expressing no confidence in the petitioner signed by majority ward members, the concerned proposal form along with signatures signed in Form-I was sent to the office of respondent No.4/Revenue Divisional Officer for taking further course of action. The respondent No.4/Revenue Divisional Officer on being satisfied that the requirements were fulfilled in Form-I in accordance with Rule 2 of the Rules has issued the impugned Notice in Form-IV fixing the date of meeting as 27.08.2021. Therefore, there is no illegality or irregularity as the majority members have expressed their view against the petitioner. Learned Government Pleader contends that the petitioner having lost support of the majority ward members has now approached this Court by raising a technical ground that the Form-I notice has not been served along with the requisition of no confidence motion signed by the majority members.

Sri K. Venumadhav, learned counsel for respondent No.7, who has been impleaded during the pendency of the writ petition, submits that along with respondent No.7 seven other members of ward Nos.1, 3, 4, 7, 9, 10 and 11 of Jaggasagar Gram Panchayat moved no confidence motion application against the petitioner and considering the same the Revenue Divisional Officer, Metapally, issued Form-IV notice dated 10.08.2021 scheduling the no confidence motion meeting to be held at the office of Jagasagar Gram Panchayat on 27.08.2021 at 12:30 PM. He further submits that in fact the requisition of no confidence motion has been given to the competent authority i.e., Revenue Divisional Officer, Metpally, but only due to inadvertence it is typed as Sub-Collector, Metpally, and therefore there is no illegality in issuing the impugned notice by respondent No.4

for conducting no confidence motion meeting, as such prayed for dismissal of the writ petition.

Heard the learned counsel for the parties and perused the record.

As per the Rules, a notice of intention to make the motion shall be made in Form-I, in Form-11 and in Form-III annexed to these Rules either in English or in Telugu or in Urdu language signed by not less than one-half of the total number of members of the Gram Panchayat, Mandal Parishad, or Zilla Parishad as the case of may be together with a copy of the proposed motion and shall be delivered in person by any two of the members who signed such notice to the Revenue Divisional Officer, Sub-Collector or Assistant Collector, as the case may be, having jurisdiction in the case of Upa-Sarpanch of a Gram Panchayat, or President and Vice-President of Mandal Parishad, or to the District Collector in the case of Chairperson and Vice-Chairperson of Zilla Parishad, as the case may be.

A perusal of the record would go to show that in the present case, the copy of proposal of no confidence motion dated 04.08.2021 has been signed by majority members and the same was submitted on the file of the Sub-Collector and Sub-Divisional Magistrate and acting on the said Form-I notice and on the basis of the report submitted by the MPDO regarding the genuineness of the signatures of the ward members on the proposal of no confidence motion, respondent No.4 has issued the impugned notice in Form-IV fixing the date of meeting of the Gram Panchayat as 27.08.2021 for considering the said motion of no confidence. The said copy has been served to all the ward members of the Gram Panchayat.

Further, a learned Division Bench of this Court, while dealing with similar issue, in *M. Surender vs. State of Telangana* Writ Appeal No.627 of 2022, held at para nos.12 and 13 thereof as under :

"12. Panchayats as well as municipalities have now been brought under the constitutional scheme by way of the 73rd Constitutional Amendment. The fundamental principle governing panchayats and municipalities is that these bodies are to be run and managed on the strength of popular mandate. A person cannot hold onto office without having the majority support. Learned Government Pleader has pointed out that the Revenue Divisional Officer had only conveyed the sentiments of the majority members by issuing the notice which is nothing but consequential.

13. We are therefore of the view that on the basis of technicalities, an elected representative cannot evade the test to determine as to whether he enjoys majority support or whether he should continue in office."

Following the very same judgment, a learned Division Bench of this Court in *I. Rajanna vs. State of Telangana*, was also pleased to dispose of the writ appeal on similar terms vide order 16.12.2022, by observing that "while the procedure laid down under the statute are required to be adhered to, but at the same time an

elected representative can only hold office, provided he has the majority support.”, and directing the Revenue Divisional Officer therein to hold meeting of the Gram Panchayat to discuss ‘No Confidence Motion’.

Therefore, this Court is of the opinion that the constitution which profess to be democratic and republic in character by making a detailed provision for democratic de-centralization and self-government, and the principle of grass-root democracy cannot be interpreted to exclude the provision of no confidence motion in respect of Office of the Chair person of the Panchayat, just because a notice of intention has not been enclosed to Form-I prescribed under the Rules.

In the instance case, admittedly Form-I and Form-IV notices, as prescribed in Rule 2 and 3 of the Rules relating to motion of no confidence have been served on the petitioner, whereas learned Government Pleader for respondent Nos.1 and 4, contended that along with Form-I, they have also enclosed the proposed no confidence motion.

In these circumstances, this Court, treating the enclosure of the proposed motion of no confidence along with Form-I is only a procedural aspect, and it is said to be directory and not mandatory. Further, the local body institutions must run on democratic principles, and in a democracy all persons heading public bodies can continue if they enjoy the confidence of the persons who comprise such bodies and in view of the fact that majority members have already signed Form-IV, the enclosure of proposed motion of no confidence along with Form-I is not mandatory.

In view of the fact that respondent No.4 has followed the procedure prescribed under Rules 2 and 3 of the Rules in issuing the impugned Form-IV Notice dated 10.08.2021 and in fixing the date of meeting, there is no illegality or irregularity committed by the respondents and the writ petition is liable to be dismissed.

Resultantly, the writ petition is dismissed. Respondent No.4 is hereby directed to proceed further and conduct meeting to consider no confidence motion against the petitioner strictly in accordance with the provisions of the Act.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.