

(2011) 11 KAR CK 0300

In the Karnataka High Court

Case No : Writ Petition No. 40611 of 2011 LB-RES

Smt. Bhagya

APPELLANT

Vs

Assistant commissioner Office of Mysore Sub Division District
Mysore and Others

RESPONDENT

Date of Decision : 02-11-2011

Acts Referred:

Karnataka Panchayat Raj ((Motion of No-Confidence against Adhyaksha and Upadhyaksha of Grama Panchayat) Rules, 1994 — Rule 3, 3 (2)

Citation : (2011) 11 KAR CK 0300

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : Chandrashekar C. Chahaspur, for the Appellant; Keshava Reddy, AGA, for the Respondent

Final Decision : Dismissed

Judgement

Mohan Shantanagoudar

1. The notice issued by the Assistant Commissioner vide Annexure-A dated 12.10.2011 calling for meeting of Kirsgasure Grama Panchayat, Mysore, to discuss the No-Confidence motion is called in question in this writ petition.

2. Learned counsel for the petitioner submits that the procedure adopted by the Assistant Commissioner, Mysore is in contravention of Rule 3 of The Karnataka Panchayat Raj ((Motion of No-Confidence against Adhyaksha and Upadhyaksha of Grama Panchayat) Rules, 1994, inasmuch as, there is nothing on record to show that minimum of two members have personally presented the No-confidence motion to the Assistant Commissioner and that the Assistant Commissioner has not given 30 days clear notice to the members of the Kiragasure Grama Panchayat for attending the meeting.

3. An application is filed by the learned counsel for the petitioner dated 2.11.2011 before this Court alongwith the documents at Annexure-B and C. The

document at Annexure-C clearly reveals that 12 members have put their signatures to the No-confidence which was submitted to the Assistant Commissioner and the motion was received by the Assistant Commissioner at 4.00 p.m. on 4.10.2011, which means that all the 12 members were present at the time of submitting the No-Confidence motion before the Assistant Commissioner.

4. Sub-section (2) of Rule 3 of the Rules mandates the Assistant Commissioner to convene the meeting for consideration of the motion at the office of the Grama Panchayat on the date appointed by him which shall not be later than 30 days from the date of which the notice u/s Sub-section(1) was delivered to him. In the matter on hand, the notice was delivered to the Assistant Commissioner by 12 members on 4.10.2011, He has issued the notice calling for meeting on 12.10.2011 fixing the date on 3.11.2011, which means that the Assistant Commissioner has called for meeting within 30 days on the date on which the motion was moved by 12 members. It is also not in dispute that all the members are given 15 days clear notice of the meeting. In view of the above, there is no violation as such of any of the provisions by the Assistant Commissioner.

5. Accordingly, writ petition falls and the same stands dismissed.