

(2011) 11 KAR CK 0106

In the Karnataka High Court

Case No : Writ Petition No. 41114 of 2011 (LB-ELE)

Smt. Mythramma

APPELLANT

Vs

The Assistant Commissioner Chitradurga and The Secretary
Siddapura Grama Panchayati

RESPONDENT

Date of Decision : 04-11-2011

Acts Referred:

Karnataka Panchayat Raj (Motion of no-confidence against Adhyaksha and Upadhyaksha of Grama Panchayat) Rules, 1994 — Rule 3 (1), 3 (2)

Citation : (2011) 11 KAR CK 0106

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : B.M. Siddappa, for the Appellant; Keshava Reddy, AGA., for R1, for the Respondent

Final Decision : Dismissed

Judgement

Mohan Shantanagoudar

1. Petitioner has questioned the notice issued under Rule 3(2) of the Karnataka Panchayat Raj (Motion of No-confidence against Adhyaksha and Upadhyaksha of Grama Panchayat) Rules, 1994 (for short hereinafter referred to as the "Act"), on the ground that the provisions of Rule 3(1) of the Rules are violated.

2. Sri Siddappa, learned advocate for the petitioner submits that there is nothing on record to show that the copy of proposed motion is handed over personally by two of the members (who have moved "No Confidence Motion") and that the copy of Annexure-A was attached with the notice at Annexure-B at the time of service of notice on the petitioner by the Assistant Commissioner. The document at Annexure-A itself clearly reveals that one Mr. S. Bhimaraj (at Sl. No. 3) and Mr. D.S. Lokesh (at Sl. No. 16) in the list found in Annexure-A have personally presented "No Confidence Motion" before the Assistant Commissioner on 13.10.2011. The question as to whether the copy of the "No Confidence Motion" at Annexure-A was attached with the notice at Annexure-B is a pure disputed

question of fact, which cannot be decided at this stage in this writ petition. However, this Court finds that there is a substantial compliance of Rule 3(1) & 3(2) of the Rules. "No Confidence Motion" is moved by 11 members out of 16 members.

In view of the same, no interference is called for. Accordingly, writ petition fails and the same stands dismissed.