

(2014) 01 KAR CK 0156

In the Karnataka High Court

Case No : Writ Petition No. 1965 of 2014 (LB-ELE)

Smt. Veeramma

APPELLANT

Vs

The Assistant Commissioner Kollegal Sub-Division and Others

RESPONDENT

Date of Decision : 16-01-2014

Acts Referred:

Karnataka Panchayat Raj Act, 1993 — Section 49

Citation : (2014) 01 KAR CK 0156

Hon'ble Judges : A.N. Venugopala Gowda, J

Bench : Single Bench

Advocate : R.D. Renukaradhya, for the Appellant; P.B. Bajentri, AGA for R-1, for the Respondent

Final Decision : Dismissed

Judgement

A.N. Venugopala Gowda, J.—The petitioner was elected as Member of Masanapura Grama Panchayath on 17.05.2010. She was elected as Adhyaksha of the Panchayath on 21.12.2012. The Panchayath has 14 members including the petitioner. 13 members of the Grama Panchayath having served a notice on the first respondent expressing no-confidence in the petitioner, the first respondent has given notice dated 26.12.2013, vide Annexure-D, to the members of the Panchayath, with regard to convening of the special meeting at 11.00 a.m. on 17.01.2014 i.e., to consider the motion moved expressing no-confidence in the petitioner. Assailing the notice, as at Annexure-D and the requisition submitted by the members of the Panchayath to the first respondent, as at Annexure-C, this writ petition has been filed. Sri. R.D. Renukaradhya, learned Advocate for the petitioner contended that the petitioner having been elected as Adhyaksha on 21.12.2012, the first respondent has committed error and illegality in acting on the requisition of the members of the Panchayath, as at Annexure-C and issuing the notice under Rule 3(2). He submitted that there is a mechanical act on the part of the first respondent in issuing the impugned notice.

2. Sri. P.B. Bajentri, learned AGA appearing for the first respondent, on the other

hand submitted that the second proviso u/s 49 of the Karnataka Panchayath Raj Act, 1993 stipulates that, no resolution expressing want of confidence against an Adhyaksha or Upadhyaksha, shall be moved within one year from the date of his election and in the instant case, the petitioner having been elected on 21.12.2012 and Annexure-C having been submitted after expiry of one year period i.e., on 23.12.2013, the first respondent has acted in accordance with law in giving the notice in Form-2 under Rule 3(2) to the members of the Panchayath, to assemble on 17.01.2014 to consider the proposed motion of no-confidence. Learned counsel submitted that there being no illegality committed by the first respondent, the writ petition is untenable.

3. Perused the writ record.

Petitioner was elected as Adhyaksha of Masanapura Grama Panchayath, Kollegal Taluk, Chamarajanagar District, on 21.12.2012. 13 out of the 14 members of the Panchayath have submitted Annexure-C, to the first respondent on 23.12.2013, the requisition expressing no-confidence in the petitioner. Section 49 of the Act is with regard to the motion of no-confidence against an Adhyaksha or Upadhyaksha of Grama Panchayath. Second proviso thereunder stipulates that, no resolution expressing want of confidence against an Adhyaksha or Upadhyaksha, shall be moved within one year from the date of his election. The said bar does not apply in this case, since the election of the petitioner was on 21.12.2012. Annexure-C has been submitted to the first respondent by 13 members of the Panchayath after expiry of one year period. In the circumstances, the first respondent is justified in giving the notice, as at Annexure-D, notifying the members of the Panchayath with regard to convening of special meeting on 17.01.2014 for the purpose of considering the motion of no-confidence moved by the members of the Panchayath.

The sole contention urged in this writ petition being devoid of merit, the petition is rejected.