
(2003) 01 AP CK 0027

In the Andhra Pradesh High Court

Case No : Writ Petition No. 19729 of 2002

Yerramalla Laxman

APPELLANT

Vs

Govt. of A.P., Municipal Administration and Others

RESPONDENT

Date of Decision : 03-01-2003

Acts Referred:

Andhra Pradesh Municipalities Act, 1965 — Section 46(3)

Citation : (2003) 6 ALD 75 : (2003) 3 ALT 324

Hon'ble Judges : B. Prakash Rao, J

Bench : Single Bench

Advocate : E. Venkat Reddy, for the Appellant; Government Pleader, for Respondent Nos. 1 and 2, V. Viswanatham for Jangaon Municipality for Respondent No. 3 and C. Damodar Reddy, for the Respondent

Final Decision : Allowed

Judgement

B. Prakash Rao, J.—Heard both sides.

2. This writ petition is filed to issue a Writ of Mandamus declaring the notice dated 23-9-2002 of the 2nd respondent proposing to conduct a meeting of the Municipal Council, Jangaon, Warangal District on 8-10-2002 as against the provisions of the A.P. Municipalities Act, 1965, as illegal and arbitrary and consequently direct the respondents not to conduct the meeting of Municipal Council, Jangaon scheduled to be held on 8-10-2002 or any other date basing on the notice dated 23-9-2002.

3. The only short ground urged in this writ petition is that the impugned notice dated 23-9-2002 of the 2nd respondent for moving the "no confidence motion is not in accordance with the provisions as required u/s 46 (3) of the Act. Admittedly, the notice dated 23-9-2002 was served on the petitioner only on 24-9-2002 fixing the date of "no confidence motion" on 8-10-2002 by which date the required period of 15 days will not complete. In the circumstances, it is not necessary to go into the other questions urged.

4. Having regard to the facts and circumstances of the case, the writ petition is allowed. The impugned order is set aside. However, it is made clear that it is always open for the respondents herein to take appropriate steps consequent on the notice of some of the members of the Municipal Council. Jangaon in respect of no confidence motion against the petitioner, which is already moved. No costs.