IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 6TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE R.NATARAJ

WRIT PETITION NO.200347 OF 2025 (LB-ELE)

BETWEEN:

SIDDAPPA
S/O HANAMANTARAYA HIRE,
AGE: 46 YEARS, OCC: EX. PRESIDENT OF
GRAM PANCHAYAT, CHITTAPUR,
R/O ROUNDAL BANDA, TQ. LINGASUGUR,
DIST. RAICHUR-584128.

...PETITIONER

(BY SRI. MAHANTESH PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF PANCHAYAT RAJ,
VIDHAN SOUDHA, BANGALORE
BY ITS SECRETARY-560001.

2. THE STATE ELECTION COMMISSIONER
CUNNINGHAM ROAD,
BANGALORE-560052.

3. THE DEPUTY COMMISSIONER
RAICHUR, DIST. RAICHUR-584101.

4. THE ASSISTANT COMMISSIONER,
LINGASUGUR, DIST. RAICHUR-584128.

5. THE ELECTION OFFICER/
DESIGNATED OFFICER,
GRAM PANCHAYAT, CHITTAPUR,
TQ. LINGASUGUR, DIST. RAICHUR-584128.

Digitally signed by SACHIN
Location: High Court Of Karnataka

6. PANCHAYAT DEVELOPMENT OFFICER
THE GRAM PANCHAYAT, CHITTAPUR,
TQ. LINGASUGUR, DIST. RAICHUR-584128.

7. SMT. RATNAMMA
W/O RAJESH,
AGE: 30 YEARS,
OCC: GRAM PANCHAYAT MEMBER
R/O CHITTAPUR, TQ. LINGASUGUR,
DIST. RAICHUR-584128.

8. SMT. HANUMAVVA
W/O RANGAPPA,
AGE: 50 YEARS,
OCC: GRAM PANCHAYAT MEMBER
R/O CHITTAPUR, TQ. LINGASUGUR,
DIST. RAICHUR-584128.

9. SRI. SANGANABASAPPA
S/O BASAPPA,
AGE: 44 YEARS,
OCC: GRAM PANCHAYAT MEMBER
R/O CHITTAPUR, TQ. LINGASUGUR,
DIST. RAICHUR-584128.

10. SRI. YENKAPPA
S/O MAHADEVI,
AGE: 46 YEARS,
OCC: GRAM PANCHAYAT MEMBER
R/O CHITTAPUR, TQ. LINGASUGUR,
DIST. RAICHUR-584128.

11. SRI. DEVAPPA
S/O MALLAPPA BACHALE,
AGE: 42 YEARS, OCC: GRAM PANCHAYAT MEMBER
R/O CHITTAPUR, TQ. LINGASUGUR,
DIST. RAICHUR-584128.

12. SRI. MALAPPA
S/O AMATEPPA,
AGE: 50 YEARS,
OCC: GRAM PANCHAYAT MEMBER
R/O CHITTAPUR, TQ. LINGASUGUR,
DIST. RAICHUR-584128.

13. SMT. GADDEVVA
W/O SANGAPPA,
AGE: 65 YEARS,
OCC: GRAM PANCHAYAT MEMBER
R/O CHITTAPUR, TQ. LINGASUGUR,
DIST. RAICHUR-584128.

14. SRI. RAYAPPA
S/O GADDEPPA,
AGE: 45 YEARS,
OCC: GRAM PANCHAYAT MEMBER
R/O CHITTAPUR, TQ. LINGASUGUR,
DIST. RAICHUR-584128.

15. SMT. GADDEMMA
W/O MALLAPPA,
AGE: 44 YEARS,
OCC: GRAM PANCHAYAT MEMBER
R/O CHITTAPUR, TQ. LINGASUGUR,
DIST. RAICHUR-584128.

16. SRI. CHANDRAPPA
S/O YENKAPPA,
AGE: 30 YEARS,
OCC: GRAM PANCHAYAT MEMBER
R/O CHITTAPUR, TQ. LINGASUGUR,
DIST. RAICHUR-584128.

17. SMT. SHANKREMMA
W/O GADDEPPA,
AGE: 52 YEARS,
OCC: GRAM PANCHAYAT MEMBER
R/O CHITTAPUR, TQ. LINGASUGUR,
DIST. RAICHUR-584128.

…RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA FOR R1 TO R4;
SRI. V. K. NAYAK, ADVOCATE FOR C/R-5 TO C/ R15 AND R16)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED REQUISITION DATED 21.01.2025 GIVEN BY THE RESPONDENT NO.7 TO 17 VIDE ANNEXURE-B AND ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED NOTICE ISSUED BY THE RESPONDENT NO.4 DATED 23.01.2025 IN FORM-II VIDE ANNEXURE-C.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE R.NATARAJ

ORAL ORDER

The petitioner being the President of Gram Panchayat, Chittapur, Lingasugur Taluk, Raichur District, is before this Court challenging a notice dated 23.01.2025 issued by the respondent No.4 proposing a meeting of the members of the Panchayat on 11.02.2025 to consider a motion of no-confidence.

2. The petitioner contends that he was elected as a President of the panchayat on 01.08.2023. He contended that though he served the panchayat with all humility and integrity, some disgruntled members of the panchayat, had submitted a representation on 21.01.2025 requesting the respondent No.4 to convene a meeting of no-confidence. However, the respondent No.6, who had no role to play in the proceedings of no-confidence, had made endorsements on the representation seeming as if the representation was first filed before the respondent No.6,

who certified the signatures of the members. The representation was thereafter placed before the respondent No.4. He therefore, contends that the impugned proceedings involving the respondent No.6 is improper and not in compliance with the Karnataka Panchayat Raj (Motion of No-Confidence against the Adhyaksha and Upadhyaksha of Grama Panchayat) Rules of 1994 (henceforth referred to as 'Rules, 1994'). The petitioner contends that in similar circumstances, a Coordinate Bench of this Court in W.P.No.203171/2024, had quashed the notice reserving liberty to the members to move a fresh representation. The petitioner therefore prays that the impugned notice be set at naught.

3. Learned counsel for the petitioner reiterated the above contentions and sought to quash the impugned notice issued by the respondent No.4.

4. Per contra, the learned Additional Government Advocate submitted that mere certifying the signatures on Form No.1 submitted by the members by the respondent

No.6 does not change the nature of the representation and does not prejudice the President of the panchayat in any manner and therefore, the impugned proceedings cannot be set at naught. He contends that in the judgment relied upon by the petitioner, the representation was submitted to the Panchayat Development Officer, who is not competent to receive the representation and therefore, in that circumstance, this Court had allowed the writ petition.

5. The learned counsel for the private respondents reiterated the submissions of the learned Additional Government Advocate and submitted that the petitioner was not prejudiced in any manner by mere certification of the signatures by the respondent No.6. He submitted that the representation was in fact placed before the respondent No.4 in accordance with the Rules of 1994 and therefore, there is no error warranting interference with the impugned notice.

6. I have considered the submissions of the learned counsel for the petitioner and the learned

Additional Government Advocate as well as the learned counsel for respondent No.6.

7. A copy of Form No.1 filed by the members, discloses that the same was first placed before the Panchayat Development Officer, who verified the signatures thereon and certified that the signatures belonged to the members of the panchayat. Therefore, it appears that the representation was placed before the respondent No.6 and thereafter placed before the respondent No.4. It is this procedure of the Panchayat Development Officer that this Court took exception in W.P.No.203171/2024 and held that the Panchayat Development Officer has no role to play in the no-confidence motion and therefore, he is not entitled to make any entries on the Form No.1 and the only person, who is entitled to do so is the Assistant Commissioner. In that circumstance, a Coordinate Bench of this Court allowed the writ petition and quashed the notice of no-confidence. However, it reserved right to the members to

move a fresh motion for no-confidence. Therefore, the facts in this case are quite similar to the facts in W.P.No.203171/2024 and accordingly, the petitioner is entitled to the same benefit that was given to the petitioners in W.P.No.203171/2024.

8. Hence, this writ petition is ***allowed***. The impugned notice dated 23.01.2025 issued by the respondent No.4 proposing to hold a meeting of no-confidence against the petitioner on 11.02.2025 is quashed. However, liberty is reserved to the private respondents to take out a fresh motion for no-confidence against the petitioner.

9. Learned Additional Government Advocate is permitted to file memo of appearance within a period of ten days from today.

Sd/-
(R.NATARAJ)
JUDGE

PMR
List No.: 1 Sl No.: 26