IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.200885 OF 2025 (LB-ELE)

BETWEEN:

SMT. SHAILA
W/O. NINGAPPA BIRADAR,
AGED ABOUT 42 YEARS,
OCC: PRESIDENT/ADHYAKSHA,
HIKKANGUTTI-2 GRAM PANCHAYAT,
R/O. HIKKANGUTTI-2, TQ: SINDAGI,
DIST: VIJAYAPURA – 586 202.

…PETITIONER

(BY SRI. ASHOK B. MULAGE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF PANCHAYAT RAJ
AND RURAL DEVELOPMENT,
M.S BUILDING
BENGALURU – 560 001.

2. THE DEPUTY COMMISSIONER,
VIJAYAPURA,
DIST: VIJAYAPURA – 586 101.

3. THE ASSISTANT COMMISSIONER,
INDI, TQ: INDI,
DIST: VIJAYAPURA – 586 209.

4. THE GRAM PANCHAYAT DEVELOPMENT
OFFICER, GRAM PANCHAYAT

Digitally signed by VARSHA N RASALKAR
Location: HIGH COURT OF KARNATAKA

HIKKANGUTTI-2, TQ: SINDAGI,
DIST: VIJAYAPURA - 586 202.

5. PRAKASH SHANMUKHA ADAVI
AGE: MAJOR,
OCC: MEMBER OF GRAM PANCHAYAT,
HIKKANGUTTI,
TQ: SINDAGI, DIST: VIJAYAPURA.

6. SARASWATI RAMESH TALWAR
AGE: MAJOR,
OCC: MEMBER OF GRAM PANCHAYAT,
HIKKANGUTTI, TQ: SINDAGI,
DIST: VIJAYAPURA.

7. ARJUN
S/O. CHANDAPPA DODDAMANI
AGE: MAJOR,
OCC: MEMBER OF GRAM PANCHAYAT,
HIKKANGUTTI,
TQ: SINDAGI, DIST: VIJAYAPURA.

8. PARMESHWAR NAGAPPA DESAI,
AGE: MAJOR,
OCC: MEMBER OF GRAM PANCHAYAT,
HIKKANGUTTI, TQ: SINDAGI,
DIST: VIJAYAPURA.

9. MANANDA PARASAPPA MADAR,
AGE: MAJOR,
OCC: MEMBER OF GRAM PANCHAYAT,
HIKKANGUTTI, TQ: SINDAGI,
DIST: VIJAYAPURA.

10. GIRIJABAI VITTAL BADIGER
AGE: MAJOR,
OCC: MEMBER OF GRAM PANCHAYAT,
HIKKANGUTTI, TQ: SINDAGI,
DIST: VIJAYAPURA.

11. CHANDRAKANTH
S/O. RAMANNA SANNAMANI,

AGE: MAJOR,
OCC: MEMBER OF GRAM PANCHAYAT,
HIKKANGUTTI, TQ: SINDAGI,
DIST: VIJAYAPURA.

12. SHIVAPPA
S/O. AMRUTH MARABAD
AGE: MAJOR,
OCC: MEMBER OF GRAM PANCHAYAT,
HIKKANGUTTI, TQ: SINDAGI,
DIST: VIJAYAPURA.

13. VITTAL YASHWANTRAYA BIRADAR
AGE: MAJOR,
OCC: MEMBER OF GRAM PANCHAYAT,
HIKKANGUTTI, TQ:SINDAGI
DIST: VIJAYAPURA.

…RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA FOR R1 TO R3;
SRI. ANNARAYA.M.PATIL, ADVOCATE FOR
SRI. ARUNAKUMAR AMARGUNDAPPA FOR C/R5 TO C/R13)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE REPRESENTATION DATED 21.02.2025 OF RESPONDENT NOS.5 TO 13 VIDE ANNEXURE-B TO INITIATE NO CONFIDENCE MOTION AGAINST THE PRESIDENT OF GRAM PANCHAYAT HIKKANGUTTI 02 TO RESPONDENT NO. 3 AND ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED NOTICE ISSUED BY THE RESPONDENT NO.3 IN FILE NO.ನಂ:ಗ್ರಾಪಂ:ಚುನಾವಣೆ:ಅವಿ:ಸಿಆರ್.15/2024–25 DATED 24.02.2025 AS PER ANNEXURE-C CALLING FOR MEETING TO DISCUSS NO CONFIDENCE MOTION AGAINST THE PETITIONER AND ETC.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

(PER: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA)

Heard Sri.Ashok B.Mulage learned counsel for the writ petitioner as well as Sri.Arunkumar Amargundappa, who represents Sri.Annaraya M.Patil, learned counsel on record for respondent Nos.5 to 13 and also learned Additional Government Advocate who represents respondent Nos.1 to 3.

2. This writ petition is filed seeking the Court to quash the representation dated 21.02.2025 which was presented to initiate no confidence motion against the petitioner herein. The only point that is urged by learned counsel for the writ petitioner is in respect of violation of Rule 3 of the Karnataka Gram Swaraj and Panchayat Raj (Motion of No-Confidence against Adhyaksha and Upadhyaksha of Gram Panchayat) Rules, 1994. Learned

counsel states that as per the said Rule, atleast two persons who signed the representation are required to be present while submitting the said representation to the Assistant Commissioner and said procedure was not followed in the case on hand.

3. This Court through order dated 21.03.2025 directed learned Additional Government Advocate to file the affidavit of the Assistant Commissioner in that regard.

4. The then Assistant Commissioner, Indi, by name Sri.Abid Gadyal submitted his affidavit duly mentioning that while submitting the representation to him, more than two persons were present. The copies of the photographs submitted along with a memo by learned counsel for respondent Nos.5 to 13 are also on record. However, this Court has not given any credence to those photographs as they are not original.

5. The affidavit given makes it clear that the representation was submitted by more than two persons who signed the representation. Thus, the plea taken

cannot be considered. No further grounds are projected so as to quash the said representation as sought for. Therefore, this Court is of the view that the writ petition lacks merits.

6. Resultantly, the writ petition stands dismissed.

7. The interim order dated 21.03.2025 stands vacated.

Sd/-
(Dr.CHILLAKUR SUMALATHA)
JUDGE

VNR
List No.: 1 Sl No.: 25
CT:NI