

IN THE HIGH COURT OF KARNATAKA
GULBARGA BENCH

DATED THIS THE 31ST DAY OF JANUARY, 2014

BEFORE

THE HON'BLE MR.JUSTICE MOHAN .M. SHANTANAGOUDAR

WRIT PETITION No.201491/2014 (LB-RES)

BETWEEN:

RENUKA W/O SABANNA
AGE: 35 YEARS, OCC: HOUSEHOLD &
PRESIDENT, GRAM PANCHAYAT
ULLESUGUR, R/O MALHALLI
TQ. SHAHAPUR, DIST. YADGIRI

... **PETITIONER**

(BY SRI SHIVAKUMAR MALIPATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH ITS SECRETARY
DEPARTMENT OF PANCHAYAT RAJ
BANGALORE – 01
2. THE ASST. COMMISSIONER
YADGIRI – 585 201
3. THE GRAM PANCHAYAT, ULLESUGUR
TQ. SHAHAPUR, DIST. YADGIR – 585 201
THROUGH ITS SECRETARY

4. BALADEVA NAIK
S/O LATE LAXMAN NAIK
AGE: 28 YEARS
OCC: MEMBER GRAM
PANCHAYAT ULLESUGUR
R/O ULLESUGUR
TQ. SHAHPUR, DIST. YADGIR
PIN No.585 223
5. HONNAKERI S/O SAIBANNA
AGE: 53 YEARS
OCC: MEMBER GRAM
PANCHAYAT ULLESUGUR
R/O ULLESUGUR
TQ. SHAHPUR, DIST. YADGIR
PIN No.585 223
6. HANUMANTHRAY S/O MANAPPA
AGE: 35 YEARS
OCC: MEMBER GRAM
PANCHAYAT ULLESUGUR
R/O ULLESUGUR
TQ. SHAHPUR, DIST. YADGIR
PIN No.585 223
7. SHARNAGOUDA
S/O MALLANGOUDA
AGE: 29 YEARS
OCC: MEMBER GRAM
PANCHAYAT ULLESUGUR
R/O ULLESUGUR
TQ. SHAHPUR, DIST. YADGIR
PIN No.585 223
8. SHARNAMMA
W/O AMBHANNA
AGE: 48 YEARS
OCC: MEMBER GRAM
PANCHAYAT ULLESUGUR
R/O ULLESUGUR
TQ. SHAHPUR, DIST. YADGIR

PIN No.585 223

9. NARASHAMMA
W/O BASALINGAPPA
AGE: 43 YEARS
OCC: MEMBER GRAM
PANCHAYAT ULLESUGUR
R/O HORATUR
TQ. SHAHPUR, DIST. YADGIR
PIN No.585 223

10.DEVAMMA
W/O CHANDRAMAPPA
AGE: 82 YEARS
OCC: MEMBER GRAM
PANCHAYAT ULLESUGUR
R/O HORATUR
TQ. SHAHPUR, DIST. YADGIR
PIN No.585 223

11.MALLAPPA S/O DODDAPPA
AGE: 52 YEARS
OCC: MEMBER GRAM
PANCHAYAT ULLESUGUR
R/O MALAHALLI
TQ. SHAHPUR, DIST. YADGIR
PIN No.585 223

12.CHANNAREDDY S/O DEVAJI
AGE: 38 YEARS
OCC: MEMBER GRAM
PANCHAYAT ULLESUGUR
R/O ULLESUGUR
TQ. SHAHPUR
DIST. YADGIR
PIN No.585 223

13.AMBADEVI
W/O SANNA NIGANNA
AGE: 48 YEARS
OCC: MEMBER GRAM
PANCHAYAT ULLESUGUR

R/O TEKARAL
TQ. SHAHPUR
DIST. YADGIR
PIN No.585 223

14.ASHABAI
W/O SHANKAR ULLESUGUR
AGE: 32 YEARS
OCC: MEMBER GRAM
PANCHAYAT ULLESUGUR
R/O ULLESUGUR
TQ. SHAHPUR
DIST. YADGIR
PIN No.585 223

... RESPONDENTS

**(BY SRI MANVENDRA REDDY, GA FOR R1 & R2;
SRI GURURAJ RAO KAKKERI, ADVOCATE FOR R4 - R14)**

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI, QUASHING THE PROCEEDINGS AND RESOLUTION DATED 21.01.2014 OF GRAM PANCHAYAT ULLESUGUR AS NULL AND VOID AND NOT ENFORCEABLE AT ANNEXURE-A.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Petitioner has virtually sought for quashing the proceedings to be held on 21.01.2014 in respect of 'No confidence motion' moved against her (Adhyaksha of Gram Panchayat Ullesugur).

2. The records reveal that more than 1/3rd number of members have moved 'No confidence motion' against the Adhyaksha of Gram Panchayat. In that regard, the Assistant Commissioner has issued notice dated 06.01.2014 to the Members of the Gram Panchayat calling for meeting on 21.01.2014 to discuss about 'No confidence Motion'. The same is questioned in this writ petition.

3. Sri Shivakumar Malipatil, learned counsel for the petitioner submits that 15 days clear notice is not issued to the members including the petitioner and therefore, the procedure adopted by the respondent is in violation of Rule 3(2) of Karnataka Panchayath Raj (Motion of No-Confidence against Adhyaksha & Upadhyaksha of Gram Panchayat) Rules, 1994.

4. The said submission cannot be accepted. Notice was issued on 06.01.2014 and date of meeting was fixed on 21.01.2014, which means 15 days clear notice is given to the Members of the Gram Panchayat. The notice is not only served on the Members but also affixed on the notice

board of the Panchayat. Therefore, *prima facie* the rules are followed.

5. Be that as it may, in the democratic set up, the elected leader has no choice but to step down in case if he has lost majority.

6. Since this Court does not find any illegality in the process, no interference is called for. Accordingly, the writ petition fails and the same stands ***dismissed***.

**Sd/-
JUDGE**

NB*