

IN THE HIGH COURT OF KARNATAKA  
GULBARGA BENCH

DATED THIS THE 31<sup>ST</sup> DAY OF JANUARY, 2014

BEFORE

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

**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:

**O R D E R**

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 1/3<sup>rd</sup> 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\*