

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2015

BEFORE

THE HON'BLE MR. JUSTICE RAGHVENDRA.S.CHAUHAN

WRIT PETITION Nos.26961-64/2015 (LB-ELE)

BETWEEN:

1. Venkatesh,
S/o.Mallachar,
Aged 46 years,
Member,
Belagodu Grama Panchayat,
Mugali Village and Post,
Sakleshpur Taluk,
Hassan Dist.
2. Virupaksha,
S/o.Eraiah,
Aged 42 years,
Member,
Belagodu Grama Panchayat,
Hosapete Village,
Belagodu Post,
Sakleshpur Taluk,
Hassan Dist.
3. S.K.Prem kumar,
S/o.Kenchaiyah,
Aged 36 years,
Member,
Belagodu Grama Panchayat,
Golaganda Village,
Belagodu Post,
Sakaleshpur Taluk,
Hassan Dist.
4. Shahsidhar,

S/o.S.K.Bora,
 Aged 26 years,
 R/a.Moogali Village & Post,
 Belagodu Post,
 Sakaleshpur Taluk,
 Hassan Dist.

...PETITIONERS

(By Sri.Lohitaswa Banakar, Adv.,)

AND:

1. State of Karnataka,
 Dept of Rural Development and
 Panchayat Raj,
 3rd Gate, 3rd Floor,
 M.S.Building,
 Bangalore.
 By its Secretary.
 2. The Deputy Commissioner,
 Hassan Dist,
 Hassan.
 3. The Returning Officer of Belagodu Grama Panchayat,
 And the Asst. Executive Engineer,
 Public Works Department,
 Sakleshpur Sub-Division,
 Sakleshpur – 573134.
 Hassan Dist.
 4. The Belagodu Grama Panchayat,
 Belagodu,
 Sakaleshpur Dist,
 Hassan Dist,
 Rep. by its Development Officer.
- ...RESPONDENTS

(By Sri.D.Aswathappa, AGA, for R1 & 2)

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These petitions are filed under Articles 226 and 227 of the Constitution of India praying to quash the meeting notice dated 20.6.2015 issued by the R3 vide Ann-B.

These petitions coming on for Preliminary Hearing this day, the Court made the following:

ORDER

The petitioners have prayed for quashing notice dated 20-6-2015 issued by the Returning Officer for holding a meeting for electing the President and the Vice President of Golaganda Grama Panchayat on the ground that Mr.S.K.Bora, one of the elected persons and a candidate hopeful to win the election, has been abducted.

2. The learned counsel for the petitioners has vehemently pleaded that Mr.S.K.Bora was likely to win the election for the post of President of the Grama Panchayat. Therefore, he has been kidnapped by the adversaries. In case, the election were not deferred, it would deprive him of his right to stand for the election of the President of the Grama Panchayat. Secondly, the son of Mr.S.K.Bora has filed a F.I.R. with regard to abduction of his father. Therefore, this Court should quash the notice

and should direct the Returning Officer to ensure that the election in fact to be held in the presence of Mr.S.K.Bora.

3. Heard the learned counsel, and perused the notice.

4. Merely because Mr.S.K.Bora is a hopeful candidate for the Presidency of the Grama Panchayat, but has been abducted by his adversaries cannot be a ground for quashing the notice, or for interfering with the election process. According to Sections 44 and 45 of the Karnataka Panchayat Raj Act, 1993, the election of the President and the Vice President has to be held within one month from the date of declaration of the results. Since the election were declared on 5-6-2015, it is imperative to hold the election by 5-7-2015. Hence, the notice dated 20-6-2015 cannot be quashed on the grounds pleaded by the learned counsel for the petitioners.

Therefore, this Court does not find any merit in the present petitions; they are, hereby, ***dismissed***.

**Sd/-
JUDGE**

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