

Indumati Vs. The State of Karnataka and Others

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Court : Karnataka

Decided On : Jun-09-2014

Judge : B.S. Patil

Appeal No. : WP.No.203059 of 2014 (LB-RES)

Appellant : Indumati

Respondent : The State of Karnataka and Others

Judgement :

(Prayer: This Petition is filed under Articles 226 and 227 of the Constitution of India praying to issue writ of certiorari, or any other writ, or order, quashing the Annexure-D issued by the 4th respondent in file no. Election/GPA/CR-07/2014-15 dated : 24.05.2014.)

1. Sri Manvendra Reddy, learned Government Advocate takes notice for respondents 1 and 4.
2. In this writ petition, petitioner is challenging the notice dated 24.05.2014 issued by the Assistant Commissioner, Bidar convening the meeting of the Members of Gram Panchayat, Chitta in Bidar Taluk and District for the purpose of discussing the No-Confidence Motion moved against the petitioner.
3. Petitioner is the President of Chitta Gram Panchayat. Certain members of the Gram Panchayat have requisitioned the Assistant Commissioner expressing their

no confidence in the petitioner and requesting the Assistant Commissioner to convene the meeting for consideration of No-Confidence Motion. Acting on the basis of the said requisition, the Assistant Commissioner has fixed the meeting on 12.06.2014 at 12.30 p.m. It is this notice that is challenged in this writ petition.

4. It is the contention of the petitioner that No-Confidence Motion is moved against him at the instance and on the instigation of respondent No.5 - Project Development Officer of the Gram Panchayat against whom the petitioner has made several allegations and has lodged a complaint before the Chief Executive Officer, Zilla Panchayat, Bidar.

5. It is urged by the learned counsel for the petitioner that until an enquiry is conducted, No-Confidence Motion could not be taken up against the petitioner. This contention is strongly refuted by the learned Government Advocate.

6. Having heard the learned counsel for the parties, I find that the fact of filing of the complaint by the petitioner against the 5th respondent - Project Development Officer of the Gram Panchayat has nothing to do with the convening of meeting for consideration of No-Confidence Motion. For the purpose of convening No-Confidence Motion, required number of members of Gram Panchayat have to requisition the Assistant Commissioner and the Assistant Commissioner will thereafter act based on such requisition. In the instant case, the Assistant Commissioner has acted in accordance with law fixing the meeting for consideration of No-Confidence Motion against the petitioner because there was a requisition submitted to him by the members of Gram Panchayat expressing their No-Confidence in the petitioner and requesting for convening the meeting. Hence, no exception can be taken to the notice issued by the Assistant Commissioner convening the meeting for consideration of the No-Confidence Motion. No other legal ground is made out for interference with the impugned notice. Hence, this writ petition is dismissed. Learned Government Advocate is permitted to file memo of appearance for respondents 1 and 4 within three weeks from today.