

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

Dated this the 28th day of February, 2018

Before

THE HON'BLE DR JUSTICE VINEET KOTHARI

W.P.Nos.1935-1936/2018 (LB-RES).

C/W

W.P.No.1724/2018 (LB-ELE), W.P.No.1779/2018 (LB-RES)
W.P.No.1950/2018 (LB-RES), W.P.No.2036/2018 (LB-ELE),
W.P.No.3161/2018 (LB-ELE), W.P.No.3434/2018 (LB-RES),
W.P.No.3970//2018 (LB-ELE), W.P.No.3980/2018 (LB-ELE),
W.P.No.4375/2018 (LB-RES), W.P.No.4446/2018 (LB-RES),
W.P.No.4504/2018 (LB-RES), W.P.No.4674/2018 (LB-RES),
W.P.No.4676/2018 (LB-RES), W.P.No.4855/2018 (LB-RES),
W.P.No.4929/2018 (LB-RES), W.P.No.4958/2018 (LB-ELE),
W.P.No.5024/2018 (LB-ELE), W.P.No.5027/2018 (LB-RES),
W.P.No.5394/2018 (LB-ELE), W.P.No.5395/2018 (LB-RES),
W.P.Nos.5644-45/2018 (LB-RES), W.P.No.5829/2018 (LB-RES),
W.P.No.5882/2018 (LB-RES), W.P.No.5884/2018 (LB-RES),
W.P.No.5911/2018 (LB-RES), W.P.No.5953/2018 (LB-RES),
W.P.Nos.6009-10/2018 (LB-RES), W.P.No.6234/2018 (LB-RES),
W.P.No.6372/2018 (LB-ELE), W.P.Nos.6377-78/2018,
W.P.No.6386/2018 (LB-RES), W.P.No.6419/2018 (LB-RES),
W.P.Nos.6501-02/2018 (LB-RES), W.P.No.6532/2018 (LB-RES),
W.P.No.6571/2018 (LB-ELE), W.P.Nos.6576/2018 &
7908/2018 (LB-RES), W.P.Nos.6577/2018 & 7896/2018 (LB-
RES), W.P.No.6943/2018 (LB-RES), W.P.No.6944/2018,
W.P.No.6955/2018 (LB-RES), W.P.No.7733/2018 (LB-ELE),
W.P.No.7745/2018 (LB-RES), W.P.No.8006/2018 (LB-RES),
W.P.No.8043/2018 (LB-ELE), W.P.No.8128/2018 (LB-RES),
W.P.No.8146/2018 (LB-RES), W.P.No.23311/2017 (LB-RES),
W.P.No.3486/2018 (LB-RES), W.P.Nos.3541/2018 &
4130/2018 (LB-RES), W.P.No.3848/2018 (LB-ELE),
W.P.Nos.3978-79/2018 (LB-RES), W.P.No.4363/2018 (LB-ELE),
W.P.No.8532/2018 (LB-ELE), W.P.No.8079/2018 (LB-RES),
W.P.No.8296/2018 (LB-RES), W.P.No.3435/2018 (LB-ELE),
W.P.No.8298/2018 (LB-ELE)

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Writ Petition Nos.1935-1936/2018

Between

1. Smt. Manjula
W/o Narasimaha Murthy
Aged about 36 years
Lohith Nagar
Basavanahalli Village
Kasaba Hobli
Nelamangala Post & Taluk
Bangalore Rural District.
2. Sri. Narasimha Murthy
S/o Narasa Anjanayappa
Aged about 49 years
Basavanahalli Village
Kasaba Hobli
Nelamangaia Post & Taluq
Bangalore Rural District.

... Petitioners

**(By. Jayakumar S. Patil, Senior Counsel for
Mr. Chandrakanth R. Patil, Advocate)**

And

1. State of Karnataka
Department of Panchayat Raj
And Rural Development
By its Secretary
Vidhana Soudha
Bangalore-560 001.
2. The Assistant Commissioner
Bangalore Rural District
Bangalore-560001.
3. Basavanahalli Grama Panchayat
Basavanahalli
By its Secretary

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Nelamangala Taluq
Bangalore Rural District.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP for R1 & R2
Mr. Santhosh Kumar Killedar, Nodal Officer for R3
Mr. Narayan M. Naik, Advocate for impleading applicants)**

These Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a writ in the nature of certiorari quashing the Letter dated 05-01-2018 written by the member of the Grama Panchayath to the Respondent No.2 vide Annexure-C & etc.,

Writ Petition No.1724/2018

Between:

Smt K.P.Boramma
W/o T. Mahantesh,
Aged about 48 years,
Lingavvanagthihalli,
Bharamasagara Hobli,
Chitradurga Taluk-577511

... Petitioner

(By Mr. Devendrappa, Advocate)

And:

1. The Assistant Commissioner
Chitradurga Sub-division,
Chitradurga-577511.
2. The Chikkabennur gram panchayath
Chikkabennur,
Chitradurga Taluk-577511
Rep by its P.D.O.

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3. Sri Anjinappa
S/o Baramappa,
Aged about 48 years,
4. Smt. Hanumakka
W/o Nagappa,
Aged about 50 years,
5. Sri G.S. Vedamurthy
S/o Nagendrappa,
Aged about 40 years,
6. Smt. R Manjulamma
D/o Rajappa,
Aged about 40 years,
7. Sri P. Suresh
S/o Parameshwarappa,
Aged about 38 years,
8. Sri Vijaykumar
S/o Kenchaveerappa,
Aged about 38 years,
9. Sri T. Venkatesh
S/o Thimappa,
Aged about 42 years,
10. Smt. Savitha
W/c Umesh,
Aged about 30 years,
11. Smt. Jayamma
W/o Thippeswamy,
Aged about 50 years,
12. Sri H.T. Devaraja
S/o Thippeswamy,
Aged about 35 years,

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13. Smt. Rekha
W/o Virupakshappa,
Aged about 35 years,

14. Smt. Shaheenabanu
W/o Md. Aziz,
Aged about 35 years,

All are members and R/o
Chikkabennur Gram Panchayath,
Chikkabennur,
Chitradurga Taluk-577511.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1
Mr. Sateesh Chandra K.V., Advocate for R2
Mr. Ganapathy Bhat Vajralli, Advocate for R3 to R14)**

This Writ Petition is filed under Article 226 of the
Constitution of India praying to Quash the Impugned Notice
vide Annexure-B, Bearing No. NO.ELECTION: CR:64/17-18
dated 06.01.2018 issued by R-1 and etc.,

Writ Petition No.1779/2018

Between:

Sri.R. Vijaykumar
S/o Revanna
Aged about 42 years
Medehalli post
Chitradurga taluk-577502

... Petitioner

(By Mr. H.Devendrappa, Advocate)

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And:

1. The Assistant Commissioner,
Chitradurga Sub-division,
Chitradurga-577502.
2. The Medehalli Gram Panchayath,
Medehalli,
Chitradurga Taluk-577502
Rep by its P.D.O.,
3. Sri H. Thimanna,
S/o Hanumanthappa,
Aged about 41 years,
4. Sri T. Mahantesh,
S/o Thippeswamy,
Aged about 55 years,
5. Sri M Ujjini Swamy,
S/o Mruthyunjayappa,
Aged about 35 years,
6. Sri C. Nagaraj,
S/o Chandrappa,
Aged about 38 years,
7. Sri V Thimmeshi,
S/o Veerabhadrapappa,
Aged about 32 years,
8. Sri M. Govindaraj,
S/o Malleshappa,
Aged about 43 years,
9. Sri R Madhu kumar,
S/o M.T. Rudramani,
Aged about 32 years,

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10. Smt S. Kamalamma,
W/o Srinivas,
Aged about 37 years,
11. Smt Y.M. Nandini,
W/o Ujjine Swamy,
Aged about 30 years,
12. Smt A. Bhargavi Reddy,
W/o Jayaram Reddy,
Aged about 29 years
13. Smt Shaheena Banu,
W/o Basha Sab,
Aged about 48 years,
14. Smt Vanajakshamma,
W/o Rudrappa,
Aged about 33 years,
15. Smt Jugali Hanumakka
W/o Erappa,
Aged about 58 years,
16. Smt Susheelamma
W/o Manjanna
Aged about 36 years

All are members and R/o,
Medehalli Gram Panchayath,
Medehalli,
Chitradurga Taluk-577502.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1
Mr. Sateesh Chandra K.V., Advocate for R2
Mr. Ganapathy Bhat Vajralli, Advocate for R3 to R16)**

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This Writ Petition is filed under Article 226 of the Constitution of India praying to quash the Impugned Notice vide Annexure-B Bearing No. NO.ELECTION :CR:60/17-18 dated 05.01.2018 issued by R-1 and etc.,

Writ Petition No.1950/2018

Between:

H.R. Ramesha
Son of Ramakrishna H B3
Aged about 32 years,
Hosakere village,
Amruthur Hobli,
Kunigal Taluk,
Tumakuru District,
Karnataka-572111.

...Petitioner

(By Mr. Abhinay Y.T., Advocate)

And:

1. The Assistant Commissioner
Kunigal Sub Division,
Mini Vidhana Soudha,
Tumakuru
Karnataka -572101
2. The Jennagere Grama Panchayath
Jennagere Village,
Amruthur Hobli, Kunigal Taluk,
Tumakuru District,
Karnataka 572111
Represented By Its
Panchayath Development Officer
3. Panchayath Development Officer
Jennagere Grama Panchayath,
Jennagere Village,

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Amruthur Hobli, Kunigal Taluk,
Tumakuru District
Karnataka-572111.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA & Mr. D.R. Anandeeswara, HCGP,
for R1; Mr. Sachin.B.S., Advocate for R2 & R3;
Mr. Visheshwar S. Shastri, Adv. for Impleading applicants)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to Quash the notice issued in Form II bearing no.ELN:CR:100/17-18 dated 8.1.2018 passed by R-1 (Annexure-D) and etc.,

Writ Petition No.2036/2018

Between:

T Rajamma
W/O Thimmaraju
Age: 36 Years,
Adhyaksha
Kellodu Grama Panchayath
R/O Athighatta Village, Hosadurga Taluk
Chitradurga District-577525

... Petitioner

(By Mr. Mahesh R Uppin, Advocate)

And

1. State Of Karnataka
By Its Secretary To The Department Of
Rural Development & Panchayath Raj
M.S. Building, Bangalore-560 001
2. Assistant Commissioner
Chitradurga Sub-Division
Chitradurga-577501

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3. Kellodu Grama Panchayat,
Kellodu Village, Hosadurga Taluk,
Chitradurga District-577525
By its Secretary.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santhosh Kumar Killedar, Nodal Officer for R3
Mr. S.V. Desai, Advocate for Impleading Applicants)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to Quash the notice dated 5.1.2018 issued by R-2 at Annex-B. Grant an Interim Order to stay the operation of the notice dated 5.1.2018 issued by R-2 at Annex-B and all further proceedings pursuant thereto & etc.,

Writ Petition No.3161/2018

Between:

Sri Chandra Naika
S/O Jamla Naika
Aged about 43 years,
R/O Ganjigunte Lambanihatti Village,
Hiremadure Post
Chitradurga District-577 501.

... Petitioner

(By Mr.: B.M. Siddappa, Advocate)

And

1. The Assistant Commissioner
Chitradurga Sub-Division
Chitradurga 577 501.
2. Somaguddi Gramapanchayath

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Somaguddi, Challakere Taluk,
Chitradurga District-577501
Represented By It's
The Panchayath Development Officer.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1
Mr. Santhosh Kumar Killedar, Nodal Officer for R2
Ms. Spoorthy Hegade Nagaraja, Advocate for
Impleading Applicants)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to Quash the notice issued by R-1 dated 30.12.2017 at Annex-C to W.P. Grant an Interim Order to stay the operation and execution of the notice issued by R-1 dated 30.12.2017 bearing vide Annex-C to the W.P. And all further proceedings in pursuant to thereof & etc.,

Writ Petition No.3434/2018

Between:

Smt. Gowramma
W/o Appobaiah
Age 32 years
Adhyaksha
Hirehalli Grama Panchayat
R/o. Palanayakana Kote
Challakere Taluk
Chitradurga District-577529.

... Petitioner

(By Mr. Mahesh R. Uppin, Advocate)

And:

1. State of Karnataka
By its Secretary to the Department of

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Rural Development & Panchayat Raj
M.S. Building, Bangalore-560001.

2. Assistant Commissioner
Chitradurga Sub-Division
Chitradurga-577501.
3. Hirehally Grama Panchayat
Hirehally Village
Challakere Taluk
Chitradurga District-577529
By its Secretary.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santhosh Kumar Killedar, Nodal Officer for R3
Mr. B.K. Manjunath, Advocate for proposed
impleading applicants)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to quash the Notice Dt:01-01-2018 bearing No. Election: CR:50/17-18 issued by the second Respondent-Assistant Commissioner, Chitradurga Sub-division, Chitradurga marked as Annexure "B" by issuing writ in the nature of Certiorari & etc.,

Writ Petition No.3970/2018

Between:

H.S. Nandeesh, S/o H.M. Shankarappa
Aged about 48 years,
Adhyaksha of Haranahalli, Arsikere Taluk,
Hassan District-573 103.

... Petitioner

(By Mr. A.V. Gangadharappa, Advocate)

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And:

1. Assistant Commissioner,
Hassan Sub-Division, Hassan-573201
2. Grama Panchayath, Haranahalli
Represented By Its Secretary
Haranahalli, Arsikere Taluk,
Hassan District 573103.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1
Mr. K.G. Sadashivaiah, Advocate for R2)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to Call for the records and proceedings of the case; Quash the Impugned notice dated 19/01/2018 issued by R-1 true copy of which is produced as Annexure-E by declaring the same as illegal and without the authority of law and etc.,

Writ Petition No.3980/2018

Between:

Smt. N. Hemalatha
Aged about 43 years,
W/O Chandrashekar,
President
Lalandevanahalli Grama Panchayath,
R/at Lalandevanahalli Village,
Kasaba Hobli, K.R.Nagar Taluk,
Mysuru District - 571 602.

... Petitioner

(By Mr. P Nataraju, Advocate)

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And

1. State of Karnataka
Department of Panchayath Raj And
Rural Development,
Vidhanasoudha
Bengaluru - 560 001
Represented By it's Secretary.
2. The Assistant Commissioner,
Hunsur Sub-Division,
Hunsur,
Mysuru District - 571 105.
3. The Lalandevanahalli Grama Panchayath
Lalandevanahalli,
K.R.Nagar Taluk,
Mysuru District - 571 602
Represented By it's Panchayath Development Officer.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santhosh Kumar Killedar, Nodal Officer for R3)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to Quash the notices dated 20.01.2018 issued by the Respondent no.2 to the petitioner vide Annx-C. Direct the Respondent no.2 to continue the petitioner as President of the Respondent no.3 Grama Panchayath and etc.,

Writ Petition No.4375/2018

Between:

Smt. Rathnamma
W/o Venkatesh,

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Aged about 30 years,
Adhyaksha Dashavara Grama Panchayath
Abbur Doddi village, Abbur post,
Channapatana Taluk,
Ramanagara District-562 108

... Petitioner

(By Mr. S.R. Hegde Hudlamane, Advocate)

And:

1. Assistant Commissioner
Ramanagara Sub Division,
Ramanagara
Ramanagara District-562 159
2. Sri.M.Boregowda
S/o Madegowda,
Aged about 55 years,
3. Sri.Ramakrishna
S/o Chikkamuddegowda,
Aged about 48 years,
4. Sri.Govindaiah
S/o Thimmaiah,
Aged about 47 years,
5. Sri.Vijayakumar
S/o Puttaswamy,
Aged about 37 years,
6. Rajamma
S/o Swamy,
Aged about 40 years,
7. Gunasheela
W/o Sathanarayana Achari,
Aged about 42 years,

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8. Geetha
W/o A.C.Jayaswamy,
Aged about 31 years,
9. Saraswathamma
W/o Shambulingaiah,
Aged about 62 years,
10. Pushpa
W/O Partha,
Aged about 37 years
11. Panchayth Development Officer
Dhashavara Grama Panchayath,
Abbur Doddi Village,
Abbur Post,
Channapatana Taluk,
Ramanagara District-562 108

Respondents No. 2 to 10 are
Members Of Dhashavara Grama Panchayath,
Dhashavara Village,
Ramanagara Taluk,
Ramanagara District-562 108

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1
Mr. Vijayakumar. S.C., Advocate for C/R2 to R10
Mr. Santhosh Kumar Killedar, Nodal Officer for R11)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to Quash The Impugned Notice, Issued In Forum No.2, By the 1st Respondent, Under Rule 3(2) Of Karnataka Grama Swaraj And Panchayath Act 1993, dated 12.1.2018 as Per Annexure-G and etc.,

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Writ Petition No.4446/2018

Between:

H. R. Eshwar
S/o. Rajegowda,
Aged about 38 years,
R/o. Hanumidi village,
Belur Taluk,
Hassan District-34,
President,
Narayanapura Gram Panchayat,
Belur Taluk,
Hassan District-34.

... Petitioner

(By Mr. Pratheep K C, Advocate)

And:

1. Assistant Commissioner
Sakaleshpura Sub-Division,
Sakaleshpura Taluk,
Hassan District-573 214.
2. Deputy Commissioner
Hassan District,
Hassan-01.
3. Panchayat Development Officer
Narayanapura Gram Panchayat,
Belur Taluk,
Hassan District-14.
4. Principal Secretary
Rural Development and Panchayat raj,
3rd gate, 3rd floor,
M.S. Building,
Bangalore-560 001.

... Respondents

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**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1, R2 & R4
Mr. Santhosh Kumar Killedar, Nodal Officer for R3)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to Quash the Impugned notice dated 18.1.2018 passed by R-1 at Annex-C. Grant an Interim Order to stay the Impugned notice dated 18.1.2018 passed by R-1 at Annex-C and etc.,

Writ Petition No.4504/2018

Between:

Smt Gangamma
W/o.Sannaborappa,
Aged about 50 years,
R/at Nagaramgere,
Nagaramgere Post,
Challakere Taluk,
Chitradurga District.

... Petitioner

**(By Mr. Jayakumar S.Patil, Senior Counsel for
Mr. Mahammed Tahir A, Advocate)**

AND

1. State of Karnataka
Department of Panchayat Raj,
And Rural Development,
Vidhana Soudha,
Bangalore 56000
By Its Principal Secretary.
2. The Assistant Commissioner
Chitradurga Sub-Division,
Chitradurga-577501.

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3. Nagarmgere Grama Panchayat
Nagarmgere,
Nagarmgere Post,
Challakere Taluk-577522
Chitradurga District
By Secretary.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. H.K. Kenchegowda, Advocate for C/R3)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to Quash the notice dated 23.01.2018 issued by Respondent No.2 vide Annex-C. Grant an Interim Order to stay notices in the notice dated 23.01.2018 issued by Respondent no.2 vide Annex-C and all further proceedings in pursuance thereof & etc.,

Writ Petition No.4674/2018

Between:

Sri Sannaninge Gowda. N
S/o Ninge Gowda,
Aged about 55 years
Adyaksha, Aralakuppe Grama Panchayath,
Pandavapura-571427
Resident of Seethapura village,
Aralakuppe post-571427
Pandavapura Taluk
Mandya district.

... Petitioner

(By Mr. Bhadrinath. R, Advocate)

And:

1. The State of Karnataka

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Panchayath Raj Department,
M.S. Building,
Dr.B.R. Ambedkar Veedhi,
Bengaluru-560 001,
By Its Secretary.

2. The Assistant Commissioner
Pandavapura Sub Division,
Pandavapura-571434,
Mandya District.
3. The Aralakuppe Grama Panchayath
Aralakuppe Village-571427,
Pandavapura Taluk,
Mandya District,
Represented by its,
Panchayath Development Officer.
4. Smt. Yashodha. R
Aged about 50 years
Working as Assistant Commissioner,
Pandavapura Sub Division,
Pandavapura-571434
Mandya District.
5. Smt. Jyothi
W/o Arjuna,
Aged about 35 years
Member, Aralakuppe Grama Panchayath,
Resident of Sitapura Village-571427
Pandavapura Taluk,
Mandya District.
6. Sri. Mahadeva. S
Aged about 50 years,
Member, Aralakuppe Grama Panchayath,
Aralakuppe Village-571427
Pandavapura Taluk,
Mandya District.

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7. Smt. Padmamma
W/o Murugesha
Aged about 60 years,
Member, Aralakuppe Grama Panchayath,
Resident of Sitapura village-571427
Pandavapura Taluk
Mandya District.
8. Sri. Dhananjaya
S/o Chaluve Gowda
Aged about 50 years,
Member, Aralakuppe Grama Panchayath,
Resident of J Mallenahalli village-571427
Pandavapura Taluk
Mandya District.
9. Sri. Yogesh
Aged about 38 years
Member, Aralakuppe Grama Panchayath,
Resident at Aralakuppe village-571427
Pandavapura taluk
Mandya District
10. Sri. Somashekara. S
Aged about 40 years
Member, Aralakuppe Grama Panchayath,
Resident at Aralakuppe village-571427
Pandavapura taluk
Mandya District.
11. Sri.H. Mahesh
S/o Hale Gowda
Aged about 40 years
Member, Aralakuppe Grama Panchayath,
Resident at Aralakuppe village-571427
Pandavapura Taluk
Mandya District.

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12. Smt. Shwetha
W/o Ashoka
Aged about 38 years
Member, Aralakuppe Grama Panchayath,
Resident at Aralakuppe Village-571427
Pandavapura taluk
Mandya District.
13. Smt. Shivamma
Aged about 45 years
Member, Aralakuppe Grama Panchayath,
Resident at Aralakuppe village-571427
Pandavapura taluk
Mandya District.
14. Smt. H.M. Shobha
W/o Dhanajaya
Aged about 40 years
Member, Aralakuppe Grama Panchayath,
Resident of Sitapura village-571427
Pandavapura taluk
Mandya District.
15. Sri. Soma
Aged about 32 years
Member, Aralakuppe Grama Panchayath,
Resident at Aralakuppe village-571427
Pandavapura taluk
Mandya District.
16. Sri. Chidananda
Aged about 40 years
Member, Aralakuppe Grama Panchayath,
Resident at Aralakuppe village-571427
Pandavapura taluk
Mandya District.
17. Sri. Vishwanatha
S/o Narasimhe gowda

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Aged about 45 years
Member, Aralakuppe Grama Panchayath,
Resident of Aralakuppe village-571427
Pandavapura taluk
Mandya District.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. B.J. Somayaji, Advocate for R3
Mr. J.C. Kumar, Advocate for R5 to R17)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to Quash the Order/Notice/Endorsement dated 24.01.2018 passed by the Respondent no.2 for conducting a meeting on 31.01.2018 to consider the Motion of No Confidence against the petitioner as found at Annexure-A and etc.,

Writ Petition No.4676/2018

Between:

Smt Manjulla. G
W/o. Revanna,
Aged about 23 years,
R/at Goldsmith road,
Tyamagondlu Town,
Nelamangala Taluk,
Bangalore Rural District.

... Petitioner

**(By Mr. Jayakumar S. Patil, Senior Counsel for
Mr. Mahammed Tahir A, Advocate)**

And:

1. State of Karnataka
Department of Panchayat Raj
and Rural Development,

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Vidhana soudha ,
M.S. Building,
Bangalore 560001.
By Its Principal Secretary

2. The Assistant Commissioner
Sub division,
Doddaballapur 561203,
Bangalore Rural District
3. Tyamagondlu Grama Panchayat,
Tyamagondlu,
Nelamangala Taluk 562123
Bangalore Rural District
By its Secretary.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santhosh Kumar Killedar, Nodal Officer for R3
Mr. Narayan N. Naik, Advocate for Impleading
applicants.)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to Quash the notice dtd:12.1.2018 issued by the R-2 vide Annexure-B. Grant an Interim order to stay notices in the notice dtd:12.1.2018 issued by the R-2 vide Annexure-B and all further proceedings in pursuance thereof & etc.,

Writ Petition No.4855/2018

Between:

Smt Lalithamma
W/o. Rajappa
Aged about 40 years
R/o Gowrammanahalli

25/177

Thoranagatte Post
Jagalur Taluk-577528
Davanagere District.

.... Petitioner

(By Mr. Hanumanthappa A, Advocate)

And:

1. The Assistant Commissioner
Harapanahalli, Revenu Sub-division,
Harapanahalli-583131
Davanager District.
2. The Panchayath Development Officer
Kalledevarapura Gram Panchayath
Jagalur Taluk-577528.
Davanager District.
3. The Block Development Officer
Jagalur Town,
Jagalur -577528.
Davanager District.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1
Mr. Santhosh Kumar Killedar, Nodal Officer for R2
R3 - Served)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to Quash the notice dtd:27.1.2018 (vide Annexure-B) issued by Respondent No.1. Grant an interim stay the operation and execution of the meeting Notice issued dated:27.01.2018(vide Annexure-B) issued by Respondent No.1 & etc.,

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Writ Petition No.4929/2018

Between:

Smt Kalyanama
W/o. Mahadeva Shetty
Aged about 45 years
R/o Nanjanswamy Nagar
Madhuvanahalli Village
Kollegal Taluk,Chamarajanagar Dist.

.... Petitioner

**(By Mr. Jayakumar S. Patil., Senior Counsel for
Mr. Mohammed Tahir A, Advocate)**

And:

1. The State of Karnataka
Department of Panchayat Raj and
Rural Development,
Bangalore-560 001.
By its Principal Secretary.
2. The Assitant Commissioner
Kollegal Taluk,
Chamarajanagar Dist-571440.
3. Madhuvanahalli Grama Panchayat
Madhuvanahalli Village
Kollegal Taluk,
Chamarajanagar Dist-571440.
By its PDO.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santhosh Kumar Killedar, Nodal Officer for R3)**

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This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to Quash the notice dtd:27.1.2018 issued by R2 vide Annexure-B. Grant an interim stay Notices in the Notice dated:27.01.2018 issued by vide Annexure-B and all further Proceedings in pursuance thereof & etc.,

Writ Petition No.4958/2018

Between:

Smt Soumya K.P.
Aged about 38 years
President,Chenniga Grama Panchayath
R/o Hoisalalu, Innapura Post
Mudigere Taluk
Chikkamagaluru District-577132.

... Petitioner

(By Mr. Lohitaswara Banakar, Advocate)

And:

1. The State of Karnataka
Department of Urban development,
Vikasa Soudha., Ambedkar Veedhi,
Bangalore-560 001.
By its Secretary.
2. The Assitant Commissioner
Chikkamagaluru District.
Chikkamagaluru -577132.
3. Panchayat Development Officer
Chenniga Grama Panchayath,

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Mudigere Taluk
Chikkamagaluru District-577132.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santhosh Kumar Killedar, Nodal Officer for R3)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to Quash the meeting Notice dtd:19.1.2018 issued by R2 produced at Annexure-C to the Writ Petition. Grant an interim order to stay all further Proceedings pursuant to the impugned meeting Notice dated:19.01.2018 issued by the R2 Produced at Annexure-C to the Writ Petition & etc.,

Writ Petition No.5024/2018

Between:

Smt Jyothi
W/o Venkatesh Shetty
Aged about 35 years
R/at Kunagalli Village
Kollegai Taluk-571442
Chamarajanagar Dist.

... Petitioner

**(By Mr. Jayakumar S. Patil, Senior Counsel for
Mr. Mahammed Tahir A, Advocate)**

And:

1. The State of Karnataka
Department of Panchayat Raj, and
Rural Development
Vidhana Soudha., M.S. Building
Bangalore-560 001.

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By its Principal Secretary.

2. The Assitant Commissioner
Kollegal Taluk,
Chamrajanagar Dist-571440.
3. Kunagalli Grama Panchayat
Kunagalli Village,
Kollegal Taluk, Chamrajanagar Dist-571442.
Rep. by its PDO.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santhosh Kumar Killeddar, Nodal Officer for R3)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to Quash the Notice dtd:27.1.2018 issued by R2 vide Annexure-B. Grant an interim order to stay Notices in the Notice dated:27.01.2018 issued by the Respondent No.2 vide Annexure-B and all further Proceedings pursuance thereof & etc.,

Writ Petition No.5027/2018

Between:

Smt Sharada M.S
W/o Gopal.D
Aged about 49 years
R/at Arishinaguppe Village
Chikmagalur Thaluk
Chikmagalur Dis-577101.

... Petitioner

(By Mr. Prakash M.H. Advocate)

30/177

And:

1. The State of Karnataka
Rep. by the Principal Secretary
Department of Panchayat Raj,
M.S. Building, Ambedkar Street
Bangalore-560 001.
2. The Assitant Commissioner
Chikmagalur, Revenue Sub-Division,
Chikmagalur Dis-577101.
3. Dasarahalli Grama Panchayath
Chikmagalur Thaluk
Rep. by the Panchayath Development Officer,
Chikmagalur Thaluk & Dis-577101.
4. M.B.Satish
Member, Dasarahalli Grama Panchayath
Chikmagalur Thaluk
Chikmagalur Dis-577101.
5. H.N. Chandrashekhar
Member, Dasarahalli Grama Panchayath
Chikmagalur Thaluk
Chikmagalur Dis-577101.
6. Smt. Radhamma
Member, Dasarahalli Grama Panchayath
Chikmagalur Thaluk
Chikmagalur Dis-577101.
7. Smt. Shobha J.D.
Member, Dasarahalli Grama Panchayath
Chikmagalur Thaluk
Chikmagalur Dis-577101.

... Respondents

(By Mr. A.S. Ponnanna, Additional Advocate General a/w

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**Mr. A.K.Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Ashok.N.Nayak., Advocate for R3
R4, R5 & R7 are served and unrepresented)**

This Writ Petition is filed under Article 226 of the Constitution of India praying to Quash meeting Notice dtd:17.1.2018 issued by R2 in Dasarahalli Gra.PAM/Adhyaksha Avishwasa/2018 vide Annexure-C as illegal and consequently declare the motion of no confidence made by the Respondent Nos.4 to 7 on 12.01.2018 against Petitioner vide Annexure-B as illegal & etc.,

Writ Petition No.5394/2018

Between:

Smt Geetha D
W/o Sri. Ranganath
Aged about 34 years
President
Hanchikuppe Gram Panchayath
Magadi Taluk, Ramanagara District
R/o Karalamangala Village & Post
Madaballa Hobli
Magadi Taluk,
Ramanagara District-561 201.

... Petitioner

(By Mr. Prasanna Kumar P, Advocate)

And:

1. The State of Karnataka
Rep. by its Principal Secretary
Department of, Rural Development &
Panchayat Raj, M.S. Building
Dr. B.R. Ambedkar Veedhi.,
Bangalore-560 001.

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2. The Assitant Commissioner
Ramnagar-571 511.
3. The Secretary
Hanchikuppe Gram Panchayath
Veeregowdana Doddi Village
Madaballa Hobli
Magadi Taluk, Ramanagara District-571 511.
4. Smt Manjula,
W/o A.B.Lokesh
Aged about 45 years
Member, Hanchikuppe Gram Panchayath
R/o Manchenabelle Village & Post
Madaballa Hobli
Magadi Taluk, Ramanagara District-571 511.
5. Siddappajji
S/o Late. Siddaiah
Aged about 52 years
Member, Hanchikuppe Gram Panchayath
R/at Killedarana Palya Village
Karalamangala Post , Magadi Taluk
Madaballa Hobli
Ramanagara District-571 511.
6. Ganganarasimaiah,
S/o Late. Kumbaiah,
Aged about 50 years
Member, Hanchikuppe Gram Panchayath
Naikanapalya
R/o V.G.Doddi Post , Magadi Taluk
Madaballa Hobli
Ramanagara District-561 201.
7. Smt. Leelavathi
W/o D.C. Narasimaiah.,
Aged about 50 years

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Member, Hanchikuppe Gram Panchayath
R/o Dabbaguli Village
Manchenabelle Post , Magadi Taluk
Madaballa Hobli
Ramanagara District-561 201.

8. Smt. Gangebai
W/o Mr. Krishna Naika,,
Aged about 55 years
Member, Hanchikuppe Gram Panchayath
R/o V.G.Doddi Village & Post , Magadi Taluk
Madaballa Hobli
Ramanagara District-561 201.
9. Kalimuthaiah
S/o Late. Venkatamuthaiah,
Aged about 58 years
Member, Hanchikuppe Gram Panchayath
R/o Averehalli
Manchenabelle Post , Magadi Taluk
Madaballa Hobli
Ramanagara District-561 201.
10. Smt. Gowramma
W/o Mr. Chandranna.,
Aged about 65 years
Member, Hanchikuppe Gram Panchayath
R/o V.G. Doddi Village & Post
Magadi Taluk, Madaballa Hobli
Ramanagara District-561 201.
11. Smt. Naseem Taj
W/o Mr. Gulzar Sharief
Aged about 36 years
Member, Hanchikuppe Gram Panchayath
R/o Savandurga, V.G. Doddi Post
Magadi Taluk, Madaballa Hobli
Ramanagara District-561 201.

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12. Nazeer Ahmed
S/o Late Mohammed Gouse
Aged about 60 years
Member, Hanchikuppe Gram Panchayath
R/o Hanchikuppe, V.G. Doddi Post
Magadi Taluk, Madaballa Hobli
Ramanagara District-561 201.
13. Smt. Jayamma
W/o Mr. Ramachandraiah.,
Aged about 55 years
Member, Hanchikuppe Gram Panchayath
R/o Ramkalpalya V.G. Doddi Post
Magadi Taluk, Madaballa Hobli
Ramanagara District-561 201.
14. Chandrashekaraiyah V.S
S/o Mr. Shivanna,
Aged about 35 years
Member, Hanchikuppe Gram Panchayath
R/o V.G. Doddi Village & Post
Magadi Taluk, Madaballa Hobli
Ramanagara District-561 201.
15. Jagadish.M.G
S/o Mr. Giriappa
Aged about 35 years
Member, Hanchikuppe Gram Panchayath
R/o Manchenabelle Village & Post
Magadi Taluk, Madaballa Hobli
Ramanagara District-571 511.
16. Smt. Chandramma
W/o Mr. Umesh

35/177

Aged about 35 years
Member, Hanchikuppe Gram Panchayath
R/o Manchenabelle Village & Post
Madaballa Hobli, Magadi Taluk
Ramanagara District-571 511.

Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A.K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP for R1 & R2
Mr. Santhosh Kumar Killedar, Nodal Officer for R3
Mr. Chandrashekar, Advocate for C/R4 to C/R16)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to issue a writ in the nature of certiorari to quash the meeting notice dated 21-01-2018 issued by the 2nd respondent in No.Gra.Pam/CR/89/2017-18 as per Annexure D to the writ petition as illegal and consequently declare the motion of No Confidence made by the respondent Nos.4 -16 on 22-01-2018 as per Annexure-C against the petitioner as illegal & etc.,

Writ Petition No.5395/2018

Between:

Sri. K. Jagadeesh
S/o R. Kambanna
Aged about 35 years
Vice President
Yeraballi Grama Panchayath
R/at. Kandikere Village
Imangala Hobli, Hiriyur Taluk
Chitradurga District-577545.

... Petitioner

(By Mr. H.K. Kenchegowda, Advocate)

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And:

1. State of Karnataka
Department of Rural Development &
Panchayath Raj
Represented by its Principal Secretary
M.S. Building, Bangalore-560 001.
2. The Deputy Commissioner
Chitradurga
Chitradurga District-577501.
3. The Assistant Commissioner
Chitradurga Sub-Division
Chitradurga District-577501.
4. The Secretary/
Panchayath Development Officer
Yaraballi Grama Panchayath
Hiriyur Taluk
Chitradurga District-577545.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R3
Mr. M.R. Mahesh, Advocate for C/R4)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to quash the impugned Notice dated: nil issued/written by the Members of the Respondent No.4-Grama Panchayath to the Respondent No.3 at Annexure-A by issuing a Writ of Certiorari as illegal & etc.,

Writ Petition Nos.5644-45/2018

Between:

1. Mahesh K.H.
S/o Huchappa

37/177

Age 38 years
Adhyaksha, Talaguppa Grama
Panchayat, R/o. Madivala Keri
Talguppa, Sagar Taluk
Shivamogga District-577430.

2. Smt. Sujatha M
W/o Manjappa
Age 49 years
Upadhyaksha, Talaguppa Grama
Panchayat, R/o. Ranganatha Colony
Talguppa, Sagar Taluk
Shivamogga District-577530.

... Petitioners

(By Mr. Mahesh R. Uppin, Advocat)

And:

1. State of Karnataka
By its Secretary to the Department of
Rural Development & Panchayat Raj
M.S. Building, Bangalore-560001.
2. Assistant Commissioner
Sagar Sub-Division
Sagar-577401.
3. Talaguppa Grama Panchayat
Talguppa, Sagar Taluk
Shivamogga District-577430
By its Panchayat Development Officer.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santhosh Kumar Killedar, Nodal Officer for R3)**

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These Writ Petitions are filed under Articles 226 & 227 of the Constitution of India praying to quash the notice dated 30-01-2018 bearing No.-Nil-marked as Annexure-‘C’ and the notice dated 30-01-2018 bearing No.-Nil- marked as Annexure-‘D’ issued by the second Respondent-Assistant Commissioner, Sagar, Sub-Division, Sagar by issuing a writ in the nature of Certiorari & etc.,

Writ Petition No.5829/2018

Between:

T.V. Mohan
S/o late Venkappa
Aged 48 years
Residing at Taralu Village
Uttarahalli Hobli
Bengaluru South Taluk.

And also the President
Taralu Village Panchayath
At Taralu Village
Uttarahalli Hobli
Bengaluru South Taluk
Bengaluru-560 061.

... Petitioner

(By Mr. D.R. Ravishankar, Advocate)

And:

1. State of Karnataka
By Secretary
Department of Panchayat Raj
M.S. Building, Bangalore-560001.
2. Asst. Commissioner
Bengaluru South Sub-Division

39/177

Kandaya Bhavan, 2nd Floor
K.G. Building, Bengaluru-560 009.

4. Taralu Village Panchayath
Represented by its Panchayath
Development Officer
Uttarahalli Hobli
Bengaluru South Taluk
Bengaluru-560061.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2)**

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of appropriate nature to declare Section 49 (2) of the Panchayath Raj Act as incomplete and unconstitutional and violative of Articles 14 and 21 of the Constitution of India & etc.,

Writ Petition No.5882/2018

Between:

Smt. Rekha Chikkeri
Aged about 28 years
W/o Mahadeva
Working as President
Grama Panchayath Rammanna Halli
Taluk & District Mysore
Resident of No.271
Karikalli Beedhi, 1st Block
Rammanahalli, Mysore-570019.

... Petitioner

(By Mr. Chandrakanth R. Goulay, Advocate)

40/177

And:

1. The State of Karnataka
Rep by its Secretary
Department of Rural Development
& Panchayat Raj, M.S. Building
Bangalore-560001.
2. The Assistant Commissioner
Mysore Sub-Division
Mysuru-570019.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for Respondents)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to issue a writ of Certiorari quashing the impugned notice bearing No.Form No.2, Rule 3(2) bearing No.E.L.N.CR-48/2017-18 dated 31-01-2018 passed by the 2nd respondent as per Annexure-B as arbitrary, illegal and void and authority having no competence and jurisdiction, in the interest of justice and equity & etc.,

Writ Petition No.5884/2018

Between:

Smt. Geetha Rajashekar
W/o Rajashekhar
Aged about 32 years
Working as Vice President

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Grama Panchayath Rammana Halli
Taluk & District Mysore
Resident of 685
Mahadevapura Main Road
Rammanahalli Main Road
Mysore-570019.

... Petitioner

(By Mr. Chandrakanth R. Goulay, Advocate)

And:

1. The State of Karnataka
Rep by its Secretary
Department of Rural Development
& Panchayat Raj, M.S. Building
Bengaluru-560001.
2. The Assistant Commissioner
Mysore Sub-Division
Mysuru-570019.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for Respondents)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to issue a writ of Certiorari quashing the impugned notice bearing No.E.L.N.CR-48/2017-18 dated 31-01-2018 passed by the 2nd respondent as per Annexure-B as arbitrary, illegal and void and authority having no competence and jurisdiction, in the interest of justice and equity & etc.,

Writ Petition No.5911/2018

Between:

Smt. Sumithra
W/o Nagaraju
Aged about 33 years

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R/at. Choradi
Shivamogga District-577423.

... Petitioner

(By Mr. Arun G. Gadag, Advocate)

And:

1. State of Karnataka
Department of Panchayat Raj and
Rural Development
Vidhana Soudha, Bangalore-560001
By its Principal Secretary.
2. The Assistant Commissioner
Shivamogga District.
3. Choradi Grama Panchayat
Shivamogga District & Taluk-577423.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. A. Nagarajappa, Advocate for C/R3)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to issue a writ in the nature of certiorari quashing the No-Confidence Motion/Order against the President passed in the Special Meeting held Choradi Gram Panchayat dated 29-01-2018 passed by the Respondent No.2 vide Annexure-F & etc.,

Writ Petition No.5953/2018

Between:

Sri. N.J. Suresh
S/o Jayappa N.M.

43/177

Aged about 43 years
President
Narayanapura Gram Panchayati
R/o Narayanapura Village
Javoor Post, Shivani Hobli
Tarikere Taluk-577145
Chickmagaluru Dist.

... Petitioner

(By Mr. Onkara K.B. Advocate)

And:

1. The Assistant Commissioner
Tarikere Sub-Division
Tarikere-577228
Chikmagalore Dist.
2. The Deputy Commissioner
Chikmagalore District
Chickmagalore-577101.
3. The State of Karnataka
Rep by its Principal Secretary
Department of Rural Development
& Panchayat Raj, M.S. Building
Bangalore-01.
4. B.M. Malleshappa
S/o Murugeppa
Aged about 41 years
Grama panchayath Member
Narayanapur
R/o. Bankanakatte Village
Javoor Post, Tarekere Taluk
Chikkamangalur Dist-577145.
5. Hemavathi
W/o Shivamurthy B

44/177

Aged about 40 years
Grama Panchayath Member
Narayanapur
R/o. Bankanakatte Village
Javoor Post, Tarekere Taluk
Chikkamangalur Dist-577145.

6. B.E. Rajappa
S/o Eswarappa
Aged about 40 years
Grama Panchayath Member
Narayanapur
R/o Bankanakatte Village
Javoor post, Tarekere Taluk
Chikkamangalur dist577145.

7. T. Shila
W/o Thimmappa
Aged about 30 years
Grama Panchayath Member
Narayanapur
R/o. Bankanakatte Village
Javoor Post, Tarekere Taluk
Chikkamangalur Dist-577145.

8. Puttamma
W/o Thimmappa
Aged about 30 years
Grama Panchayath Member
Narayanapur
R/o. Bankanakatte Village
Javoor post, Tarekere Taluk
Chikkamangalur Dist-577145.

9. M.G. Suresh
S/o Gurumurthy
Aged about 53 years
Grama Panchayath Member
Narayanapur

45/177

R/o. M. Hosahalli Village
Kateganere Post, Tarekere Taluk
Chikkamangaluru Dist-577145.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 to R3
Mr. Basavaraj Poojar S, Advocate for C/R9)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to issue an appropriate writ, order or direction in the nature of certiorari setting aside the Meeting Notice issued by the 1st respondent on 03-02-2018 bearing No.CLNCR/36/2017-18 issued in Form-II under Rule 3(2) of the Karnataka Panchayat Raj (Motion of No-Confidence against Adhyaksha and Upadhyaksha of Grama Panchayat) Rules, 1994 as per Annexure-A in the interest of justice and equity & etc.,

Writ Petition Nos.6009-6010/2018

Between:

1. Smt. Chandrakala M.R.
Aged about 37 years
W/o Shrinivasa
President
Melinabesige Village Panchayath
R/o. Manasette, Melinabesige
Hosanagar Taluk
Shivamogga District-577426.
2. Smt. Suvarna S.G.
Aged about 36 years
W/o Siddeshwara

46/177

Vice President
Melinabesige Village Panchayath
R/o. Hosanagara Goragodu
Melinabesige, Hosanagar Taluk
Shivamogga District-577426.

.. Petitioners

(By Mr. Chidambara G.S. Advocate)

And:

1. The State of Karnataka
Department of Panchayat Raj and
Rural Development
Represented by its Secretary
Vidhana Soudha
Bengaluru-560 001.
2. The Senior Assistant Commissioner
Sagar Sub-Division, Sagar
Shivamogga District-577301.
3. The Melina Besige Grama Panchayat
Melina Besige, Hosanagar Taluk
Shivamogga District-577426
Represented by its Development Officer.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santosh Kumar Killedar, Nodal Officer for R3)**

These Writ Petitions are filed under Articles 226 & 227
of the Constitution of India praying to issue appropriate writ
or writs quashing the notices in Form-2 dated 29-01-2018,
vide, Annexure-C & D issued by the respondent No.2 bearing
No.NIL & etc.,

47/177

Writ Petition No.6234/2018

Between:

Smt. Basamma
W/o Gowdlar Murugendrappa
Aged about 55 years
President
Nuggihally Grama Panchayath
Residing at Nuggihally
Neethigere Post, Channagiri Taluk
Davanagere District-577215.

... Petitioner

(By Mr. H.K. Kenchegowda, Advocate)

And:

1. State of Karnataka
Department of Rural Development &
Panchayath Raj
Represented by its Principal Secretary
M.S. Building, Bangalore-560 001.
2. The Assistant Commissioner
Davanagere Sub-Division
Davanagere District-577002.
3. The Secretary/
Panchayath Development Officer
Nuggihally Grama Panchayath
Channagiri Taluk
Davanagere District-577215.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Raghunandan, M.G. Advocate for R3**

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**Mr. Siddanooru Vishwanatha, Advocate for
Proposed Respondent/s)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to quash the impugned Notice/Requisition dated 22-01-2018 issued/submitted/written by the Members of the Respondent No.3-Grama Panchayath to the Respondent No.2 at Annexure-A by issuing a Writ of Certiorari as illegal & etc.,

Writ Petition No.6372/2018

Between:

Smt. Sukanya K.P.
W/o H.K. Devaraju
Aged about 35 years
Resident at Hosakote Village
Halebeedu, Melukote Hobli
Pandavapura-571427
Pandavapura Taluk
Mandya District.

... Petitioner

(By Mr. Bhadrinath R, Advocate)

And:

1. The State of Karnataka
Panchayath Raj Department
M.S. Building
Dr. B.R. Ambedkar Veedhi
Bengaluru-560 001
By its Secretary.
2. The Assistant Commissioner
Pandavapura Sub Division
Pandavapura-571434

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Mandya District.

3. The Halebeedu Grama Panchayath
Halebeedu Village-571427
Pandavapura Taluk
Mandya District
Represented by its
Panchayath Development Officer.
4. Sri. B.S. Nanja Gowda
S/o late Sreekanta Gowda
Aged about 53 years
Residing at Bollanahalli Village
Member, Halebeedu Grama Panchayath
Pandavapura Taluk-571427
Mandya District.
5. Sri. Chenna Gowda
Aged about 45 years
S/c Ninga Gowda
Residing at Hosakote Village
Member, Halebeedu Grama Panchayath
Pandavapura Taluk-571427
Mandya District.
6. Sri. C.K. Chenna Gowda
S/o Karri Gowda
Aged about 45 years
Residing at Chakkana Hail Village
Member, Halebeedu Grama Panchayath
Pandavapura Taluk-571427
Mandya District.
7. Sri. Chandra Gowda
S/o Maya Gowda
Aged about 51 years
Residing at Annuyana Halli
Member, Halebeedu Grama Panchayath
Pandavapura Taluk – 571427
Mandya District.

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8. Sri. N.C. Kengala Shetty
S/o Chikka Hida Shetty
Aged about 46 years
Residing at Narahalli Village
Member, Halebeedu Grama Panchayath
Pandavapura Taluk-571427
Mandya District.
9. Sri. Swamy N.J.
S/o Jayaraiya
Aged about 33 years
Residing at Narahalli
Member, Halebeedu Grama Panchayath
Pandavapura Taluk-571427
Mandya District.
10. Smt Geetha Shivanna
W/o M.C. Shivanna
Aged about 34 years
Residing at Muddallathappula Village
Member, Halebeedu Grama Panchayath
Pandavapura Taluk-571427
Mandya District.
11. Sri. Sreedhara
S/o Varda Chary
Aged about 35 years
Residing at Halebeedu Village
Member, Halebeedu Grama Panchayath
Pandavapura Taluk-571427
Mandya District.
12. Smt. Ningamma @ Prema
W/o Neppa Gowda
Aged about 36 years
Residing at Hoskote Village
Member, Halebeedu Grama Panchayath
Pandavapura Taluk-571427

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Mandya District.

13. Smt. Bhagayamma
W/o L. Lakshaman Sheet
Aged about 52 years
Residing at Chakkana hail Village
Member, Halebeedu Grama Panchayath
Pandavapura Taluk-571427
Mandya District.
14. Smt. Latha
W/o Kulla Gowda H K.
Aged about 33 years
Residing at Halebeedu Village
Member, Halebeedu Grama Panchayath
Pandavapura Taluk-571427
Mandya District.
15. Smt. Jayalakshmma
W/o Shivalinga Nayak
Aged about 48 years
Residing at Bollanahalli Village
Member, Halebeedu Grama Panchayath
Pandavapura Taluk-571427
Mandya District.
16. Smt. Pushpa
S/o Puttaswamy
Aged about 45 years
Residing at Annuyanahalli Village
Member, Halebeedu Grama Panchayath
Pandavapura Taluk-571427
Mandya District.
17. Sri. Javara Gowda
S/o Doddna Gowda
Aged about 42 years
Residing at Mayanagera Village
Member, Halebeedu Grama Panchayath

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Pandavapura Taluk-571427
Mandya District.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. B.J. Somayaji, Advocate for R3
Mr. J.C. Kumar, Advocate for C/R4, 5, 6, 7, 9, 10,
13, 14, 16, & 17)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to declare that sub-section (2) of Section 49 of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 as inserted to the Statute under Amendment Act No.44 of 2015, dated 31-12-2015 therein sub-section (2) of Section 49 was inserted. Even a proviso to sub-section (1) of Section 49 was also inserted under Act No.29 of 1997 as unconstitutional and violative of Article 14 of the Constitution of India & etc.,

Writ Petition Nos.6377-78/2018

Between:

1. Smt. Mamatha
Aged about 35 years
W/o Yogesha
President
Govindanahalli Grama Panchayath
Channasoge Village
Thattekere Post, Hanagodu Hobli
Hunsur Taluk, Mysuru District-571 105.
2. Sri. Suresha
Aged about 40 years
S/o Nanjappachar H.T.
Vice President
Govindanahalli Grama Panchayath
Hanchya Village, Nellurpala Post

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Kasaba Hobli, Hunsur Taluk
Mysuru District-571 105.

... Petitioners

(By Mr. P. Nataraju, Advocate)

And:

1. State of Karnataka
Department of Panchayath Raj and
Rural Development
Vidhana Soudha
Bengaluru-560 001
Represented by it's Secretary.
2. The Assistant Commissioner
Hunsur Sub-Division
Hunsur
Mysore District-571 105.
3. The Govindanahalli Grama Panchayath
Hunsur Taluk
Mysore District-571 105
Represented by it's
Panchayath Development Officer.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. B.J. Somayaji, Advocate for R3)**

These Writ Petitions are filed under Articles 226 & 227 of the Constitution of India praying to issue a writ in the nature of certiorari quashing the notices in No.Gra.Pan.CR:153/2017-18 dated 30-01-2018 issued by the respondent No.2 to the petitioners vide Annexure-B & C respectively & etc.,

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W.P.No.6386/2018

Between

T.K. Lakshmi
W/O. H.M. Ravi,
Aged about 34 years
R/at Heggur Village,
T. Narasipura Taluk,
Mysuru-571 101

... Petitioner

(By Mr. D.R. Ravishankar, Advocate)

AND:

1. The State of Karnataka
Rept. by its Secretary,
Department of Panchayat Raj,
M.S. Building,
Dr. B.R.Ambedkar Veedhi,
Benglauru -560001
2. Asst. Commissioner
Mysuru Sub-Division,
Mysuru- 570001
3. The Heggur Gram Panchayath
Heggur Village, T. Narasipura Taluk,
Bannur Hobli, Mysuru -571101

... Respondents

**(By Mr. A.S.Ponnanna, Addl. Advocate General a/w
Mr. A.K.Vasanth, AGA and
Mr. D.R.Anandeeswara, HCGP for R1 and R2
Mr. Santhosh Kumar Killedar, Nodal Officer for R3)**

This writ petition is filed under Articles 226 & 227 of the Constitution of India praying to quash Annexure-A dated 27.01.2018 issued by the R-2 as being in violation of Section

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49(2) of the Panchayath Raj and Gram Swaraj Act, 1993 & etc.,

Writ Petition No.6419/2018

Between:

Sri. Anandraj Urs K.R.
S/o. T. Ramaraju T
Age 41 years
President
Kartikere Grama Panchayath
Chikkamagalur Taluk & District
Resident of Kartikere Village
Chikkamagalur Taluk
Chikkamagalur District-577101.

... Petitioner

(By Mr. Chandrakanth R. Goulay, Advocate)

And:

1. The State of Karnataka
Rep by its Secretary
Department of Rural Development
& Panchayat Raj, M.S. Building
Bengaluru-560001.
2. The Assistant Commissioner
Chikkamagalur Sub-Division
Chikkamagalur-577101.
4. The Panchayath Development Officer
Kartikere Grama Panchayath
Chikkamagalur Tq
Chikkamagalur District-577101.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2**

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Mr. Chandrashekar P. Patil, Advocate for C/R3)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to issue a writ of certiorari quashing the impugned notice bearing No. Form No.2, Rule 3(2) bearing No. Karthikere Gr.Pa/AdyakshaAhVhishVaS/2018 dated 17-01-2018 issued by the 2nd respondent as per Annexure-B and the decision taken on 7-2-2018 accepting no confidence motion by the 2nd respondent as per Annexure-C as arbitrary, illegal and void and in violation of Section 49(2) of Karnataka Grama Swaraj & Panchayath Raj Act, 1993 and authority having no competence and jurisdiction, in the interest of justice and equity & etc.,

Writ Petition Nos.6501-02/2018

Between:

1. B.N Jagadish
S/o Sri. Nagaraja Murthy
Aged about 29 years
R/at. Benakanahalli Village & Post
Sosale Hobli, T. Narasipura Taluk
Mysore District-571124.
2. Smt. Bhagyalakshmi
W/o Narayana
Aged about 38 years
R/at. Kolemallanahundi
Sosale Hobli
T. Narasipura Taluk
Mysore District-571124.

... Petitioners

(By Mr. Sangamesh R.B. Advocate)

And:

1. State of Karnataka
By its Secretary
Department of Rural Development

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and Panchayath Raj
M.S. Building, Bangalore-560 001.

2. The Asst. Commissioner
Mysuru Sub-Division
Office of the Dy. Commissioner
Mysuru District
Mysuru-570001.
3. Benakanahalli Gram panchayath
Sosale Hobli
T. Narasipura Taluk
Mysore District-571124
By its Secretary.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santosh Kumar Killedar, Nodal Ofrcicer for R3)**

These Writ Petitions are filed under Articles 226 & 227 of the Constitution of India praying to issue a writ of certiorari so as to quash the impugned notice dated 30-01-2018 issued by the first respondent bearing No.E.L.N.CR36/2017-18 (Annexure-A) & etc.,

W.P.No 6532/2018

Between

Sri Venkatappa @ Venkatappa Naidu
S/o Annappa Naidu
Aged about 55 years
R/at: Kangandlahalli Village
Kyasamballi Hobli
Bangarapet Taluk
Kolar District-563 116

... Petitioner

(By Sri M. Shivaprakash, Advocate)

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AND

1. The State of Karnataka
Represented by its Chief Secretary
Vidhana Soudha
Bangalore-560 001
2. The Principal Secretary
Department of Panchayat Raj
Rural Development
State of Karnataka
Vikasa Soudha
Bangalore-560001
3. The Assistant Commissioner
Kolar Sub Division
Kolar-563 101
4. The Kangandlahalli Grama Panchayat
Kangandlahalli
Rep. by its Panchayat Development Officer
Kangadlahalli, Bangarpet Taluk
Kolar District-563 116

... Respondents

**(By Mr. A.S. Ponnanna, Addl. Advocate General a/w
Mr. A.K.Vasanth, AGA and
Mr. D.R.Anandeeswara, HCGP for R1 to R3
Mr. Santosh Kumar Killedar, Nodal officer for R4)**

This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to call for the entire records from the office of the third and fourth respondent in respect of the grama panchayat of Kangandlahalli Village and etc.,

W.P.No.6571/2018

Between

Smt. Rajamma

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Aged About 59 years,
W/o Madegowda,
President:Mullur Grama Panchayath,
R/at Undavadi Village and Post,
Gavadagere Hobli,
Hunsur Taluk,
Mysuru District-571 105.

... Petitioner

(By Mr. P. Nataraju, Advocate)

And

1. State of Karnataka
Department of Panchayath Raj
and Rural Development,
Vidhanasoudha,
Bengaluru-560 001
Represented by its Secretary
2. The Assistant Commissioner
Hunsur Sub-Division,
Hunsur, Mysuru District-571105.
3. The Mullur Grama Panchayath
Hunsur Taluk,
Mysuru District-571 105
Represented by its
Panchayath Development Officer.

... Respondents

**(By Mr. A.S.Ponnanna, Addl. Advocate General a/w
Mr. A.K.Vasanth, AGA and
Mr. D.R.Anandeeswara, HCGP for R1 & R2
Mr. B.J.Somayaji, Adv. for R3)**

This writ petition is filed under Articles 226 & 227 of the Constitution of India praying to quash the notice dtd:30.1.2018 issued by the R-2 to the petitioner vide Annexure-B and etc.,

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W.P.Nos.6576/2018 & 7908/2018

Between

Sri H.C.Swamy Gowda
S/o late Chikke Gowda
Aged 45 years
R/at:Halladakoplu village
Bilikere Hobli,
Hunasuru Taluk
Mysore Dist.571 105.

...Petitioner

(By Sri Prakash M.H., Advocate)

And

1. The State of Karnataka
Rep. by the Principal Secretary
Department of Panchayath Raj
M.S.Building, Ambedkar Street
Bangalore-560 001.
2. The Assistant Commissioner
Hunsur Revenue Sub-Division
Hunsur Thaluk
Mysore Dist-571 105
3. Dharmapura Gram Panchayath
Hunsur Thaluk
Rep. by the Panchayath Development
Officer
Hunsur Thaluk
Mysore Dist-571 105
4. Sri Govindaraju
Age:Major
5. Smt. Sharadamma
Age:Major

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6. Smt.Bhagya
Age:Major
7. Smt.Sakamma
Age:Major
8. Sri Raju
Age:Major
9. Smt.Kempamma
Age:Major
10. Smt.Gaviswamy
Age:Major
11. Sri Manjunath B.
Age:Major
12. Sri Devegowda
Age:Major
13. Smt.Sumitra
Age:Major
14. Smt.Veena D.M.
Age:Major
15. Sri Sundar Raju S.
Age:Major

Respondents- 4 to 15 are Members
Dharmapura Gram Panchayath
Hunsur Taluk, Mysore Dist-571 105

...Respondents

**(By Mr. A.S.Ponnanna, Addl. Advocate General a/w
Mr. A.K.Vasanth, AGA and
Mr. D.R.Anandeeswara, HCGP for R1 & R2)**

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These writ petitions are filed under Article 226 of the Constitution of India praying to quash the proceeding dated 8.2.2018 conducted by the R-2 in the motion of No Confidence initiated by R-4 to 15 against the petitioner vide Annexure-D as illegal and consequently restore the position prior to the impugned meeting dated 8.2.2018 and etc.,

W.P.Nos.6577/2018 & 7896/2018

Between

Smt.Lakshamma
W/o Devaraja Bhovi
Aged 42 years
R/at Mookanahalli Village,
Kasaba Hobli, Hunsur Taluk,
Mysore District-571105.

...Petitioner

(By Mr. M.H. Prakash, Advocate)

And

1. The State of Karnataka
Rep. by the Principal Secretary
Department of Panchayath Raj
M.S.Building, Ambedkar Street,
Bangalore-560 001.
2. The Assistant Commissioner
Hunsur Revenue Sub-Division
Hunsur Taluk,
Mysore District-571105.
3. Mukanahalli Gram Panchayath
Hunsur Taluk,
Rep. by the Panchayath Development Officer
Hunsur Taluk, Mysore District-571105.
4. Smt.Roopa
Age Major

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Member, Mukanahalli Gram Panchayath
Hunasur Taluk, Mysore District-571105.

5. Sri.Mahadeva
Age Major
Member, Mukanahalli Gram Panchayath
Hunasur Taluk, Mysore District-571105.
6. Smt.Mani
Age Major
Member, Mukanahalli Gram Panchayath
Hunasur Taluk, Mysore District-571105.
7. Sri.Madeva
Age Major
Member, Mukanahalli Gram Panchayath
Hunasur Taluk, Mysore District-571105.
8. Smt.Mahadevi S.
Age Major
Member, Mukanahalli Gram Panchayath
Hunasur Taluk, Mysore District-571105.
9. Smt. Kusuma
Age Major
Member, Mukanahalli Gram Panchayath
Hunasur Taluk, Mysore District-571105.
10. Sri.Papa Bhovi
Age Major
Member, Mukanahalli Gram Panchayath
Hunasur Taluk, Mysore District-571105.
11. Sri.Kumar
Age Major
Member, Mukanahalli Gram Panchayath
Hunasur Taluk, Mysore District-571105.
12. Sri.Suresh

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Age Major
Member, Mukanahalli Gram Panchayath
Hunasur Taluk, Mysore District-571105.

...Respondents

**(By Mr. A.S. Ponnanna, Addl. Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R.Anandeeswara, HCGP for R1 & R2)**

These Writ Petitions are filed under Articles 226 & 227 of the Constitution of India praying to quash the proceeding dated 08.02.2018 conducted by the R-2 in the motion of no confidence initiated by R-4 to R12 against the petitioner vide Annexure-D as illegal and consequently restore the position prior to the impugned meeting dated 08.02.2018 & etc.,

W.P.No.6943/2018

Between

Sri. Ramachandrappa B.
Aged about 68 years
S/o late V.Baiyanna
Residing at Chilakalanerpu village & Post
President of Chilakalanerpu Grama Panchayath
Chintamani Taluk – 563 125.
Chickballapura District.

...Petitioner

(By Sri. R.Bhadrinath, Advocate)

And

1. The State of Karnataka
Panchayath Raj Department,
M.S.Building, Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001.
By its Secretary.
2. The Assistant Commissioner
Chilakalanerpu Sub-Division

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Chickballapura Taluk - 563125
Chickballapura District.

3. The Chilakalanerpu Grama Panchayath
Chilakalanerpu Village & Post,
Chickballapura District.
Represented by its Panchayath
Development Officer.
4. Sri.Y.Sreerama Reddy
S/o not know
Aged about 68 years
Residing at Hosahudya village,
Member, Chilakalanerpu Gram Panchayath
Chilakalanerpu Village & Post,
Chintamani Taluk-563125.
Chickballapura District.
5. Sri.N.Subba Reddy
Aged about 53 years
S/o not know
Residing at T.Devapalli Village
Member, Chilakalanerpu Gram Panchayath
Chilakalanerpu Village & Post,
Chintamani Taluk-563125.
Chickballapura District.
6. Sri.T.Y.Subbarayappa
s/o not know
Aged about 45 years
Residing at Thulavanuru Village
Member, Chilakalanerpu Gram Panchayath
Chilakalanerpu Village & Post,
Chintamani Taluk-563125.
Chickballapura District.
7. Smt.Narasamma
W/o not know
Aged about 51 years

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Residing at T.Gollahalli Village
Member, Chilakalanerpu Gram Panchayath
Chilakalanerpu Village & Post,
Chintamani Taluk-563125.
Chickballapura District.

8. Smt.Ashwani
W/o not know
Aged about 37 years
Residing at T.Gollahalli Village
Member, Chilakalanerpu Gram Panchayath
Chilakalanerpu Village & Post,
Chintamani Taluk-563125.
Chickballapura District.
9. Smt.Manjula
W/o not know
Aged about 44 years
Residing at T.Gollahalli Village
Member, Chilakalanerpu Gram Panchayath
Chilakalanerpu Village & Post,
Chintamani Taluk-563125.
Chickballapura District.
10. Smt.Lakshmiddevamma
W/o not know
Aged about 53 years
Resident at Hosahudya Village & Post
Member, Chilakalanerpu Gram Panchayath
Chilakalanerpu Village & Post,
Chintamani Taluk-563125.
Chickballapura District.
11. Sri.M.C.Venkataramanappa
s/o not know
Aged about 51 years
Resident at Chilakalanerpu Village & Post,
Member, Chilakalanerpu Gram Panchayath

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Chilakalanerpu Village & Post,
Chintamani Taluk-563125.
Chickballapura District.

12. Smt. Saraswathamma
w/o not know
Aged about 47 years
Resident at Chilakalanerpu Village & Post,
Member, Chilakalanerpu Gram Panchayath
Chilakalanerpu Village & Post,
Chintamani Taluk-563125.
Chickballapura District.
13. Smt.N.Latha
w/o not know
Aged about 50 years
Resident at Chilakalanerpu Village & Post,
Member, Chilakalanerpu Gram Panchayath
Chilakalanerpu Village & Post,
Chintamani Taluk-563125.
Chickballapura District.
14. Smt. Rajamma
w/o not know
Aged about 51 years
Resident at Chilakalanerpu Village & Post,
Member, Chilakalanerpu Gram Panchayath
Chilakalanerpu Village & Post,
Chintamani Taluk-563125.
Chickballapura District.
15. Sri.Sreesrinivasa
S/o not know
Aged about 52 years
Residing at Mincehallahalli Village,
Member, Chilakalanerpu Gram Panchayath
Chilakalanerpu Village & Post,
Chintamani Taluk-563125.

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Chickballapura District.

...Respondents

**(By Mr. A.S. Ponnanna, Addl. Advocate General a/w
Mr. A.K.Vasanth, AGA &
Mr. D.R.Anandeeswara, HCGP for R1 & R2)**

This writ petition is filed under Articles 226 & 227 of the Constitution of India praying to declare that sub-section (2) of Section 49 of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993, as inserted to the Statute under Amendment Act No.44 of 2015, dated 31-12-2015 therein sub-section (2) of Section 49 was inserted. Even a proviso to sub-section (1) of Section 49 was also inserted under Act No.29 of 1997 as unconstitutional and violative of Article 14 of the Constitution of India & etc.,

Writ Petition No.6944/2018

Between:

Smt. Sujatha
Aged about 33 years
W/o S. Kantharaju
Residing at Anakanahalli Village
President of Arani Grama Panchayath
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.

... Petitioner

(By Mr. Bhadrinath R, Advocate)

And:

1. The State of Karnataka
Panchayath Raj Department
M.S. Building
Dr. B.R. Ambedkar Veedhi
Bengaluru-560 001
By its Secretary.
2. The Assistant Commissioner

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Pandavapura Sub-Division
Pandavapura-571434
Mandya District.

3. The Arani Grama Panchayath
Arani Village
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District
Represented by its
Panchayath Development Officer.
4. Smt. Thunga
W/o Mukuesh
Aged about 42 years
Member, Arani Grama Panchayath
Residing at Siddapura Village
Honnahalli Post
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.
5. Sri. Ravi Kumar
Aged about 35 years
S/o Chandranna
Member, Arani Grama Panchayath
Residing at Siddapura Village
Honnahalli Post
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.
6. Smt. Ramamma
Aged about 33 years
W/o Basavanna
Member, Arani Grama Panchayath
Residing at Honnahalli Village
Honnahalli Post
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.
7. Sri. Jagadish

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S/o Gangadara Gowda
Aged about 43 years
Member, Arani Grama Panchayath
Residing at Honnahalli Village
Honnahalli Post
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.

8. Sri. Ramesh
S/o Deva Gowda
Aged about 36 years
Member, Arani Grama Panchayath
Residing at Manimure Village
Honnahalli Post
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.
9. Sri. Chennakeshava @ Krishna Gowda
S/o Nagagowda
Aged about 37 years
Member, Arani Grama Panchayath
Residing at Mylanihalli Village
Honnahalli Post
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.
10. Smt. Suvaranamma
W/o Kotachairi
Aged about 57 years
Member, Arani Grama Panchayath
Residing at Thigalarahalli Village
Arani Post, Honnahalli Post
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.
11. Sri. Yogesh
S/o Thimmaiah Gowda
Aged about 45 years
Member, Arani Grama Panchayath

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Resident at Kanchanahalli Village & Post
Honnahalli Post
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.

12. Smt. Rathanamma
W/o Diwakar Murthy
Aged about 57 years
Member, Arani Grama Panchayath
Resident at Kanchanahalli Village & Post
Honnahalli Post
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.
13. Sri. Nataraju
S/o Nanjuda Gowda
Aged about 35 years
Member, Arani Grama Panchayath
Resident at Chandanahalli Village
Kanchanahalli Post
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.
14. Sri. Balu
S/o Linga Gowda
Aged about 37 years
Member, Arani Grama Panchayath
Resident at Arani Village & Post
Honnahalli Post
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.
15. Sri. Basavaraj
S/o Ninga Shetty
Aged about 45 years
Member, Arani Grama Panchayath
Resident at Manchanahalli Village
Honnahalli Post
Nagamangala Taluk-571 418

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Bellur Hobli, Mandya District.

16. Smt. Manjamma
W/o Basavaraj
Aged about 40 years
Member, Arani Grama Panchayath
Residing at Manchanahalli Village
Honnahalli Post
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.
17. Smt. Sorajamma
Aged about 41 years
W/o Hireanna
Member, Arani Grama Panchayath
Residing at Arani Village & Post
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.
18. Sri. Harikrishana
Aged about 33 years
S/o Shankarilinga Gowda
Member, Arani Grama Panchayath
Residing at Sringapura Village
Arani Post
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.
19. Smt. Suvarana
Aged about 30 years
W/o Shivashinkara
Member, Arani Grama Panchayath
Residing at K. Hosahalli, Arani Post
Nagamangala Taluk-571 418
Bellur Hobli, Mandya District.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &**

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**Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santosh Kumar Killedar, Nodal Officer for R3)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to declare that sub-section (2) of Section 49 of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993, as inserted to the Statute under Amendment Act No.44 of 2015, dated 31-12-2015 therein sub-section (2) of Section 49 was inserted. Even a proviso to sub-section (1) of Section 49 was also inserted under Act No.29 of 1997 as unconstitutional and violative of Article 14 of the Constitution of India & etc.,

Writ Petition No.6955/2018

Between:

Sri. K.R. Nagaraju
S/o K. Rudrappa
Aged about 42 years
Kondlahalli Village
Molkalmur Taluk
Chitradurga District-577535.

... Petitioner

(By Mr. Deepak J, Advocate)

And:

1. State of Karnataka
Department of Panchayat Raj
And Rural Development
By its Secretary
Vidhana Soudha
Bangalore-560 001.
2. The Assistant Commissioner
Chitradurga Sub-Division
Chitradurga-577501.
3. Kondlahalli Grama Panchayat

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Kondlahalli
Mollkalmur Taluq
Chitradurga District-577535
Rep. by its Secretary.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santhosh Kumar Killeḍar, Ncdal Officer for R3)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to issue a writ in the nature of certiorari quashing the letter dated 29/1/2018 written by the member of the Grama Panchayat to the Resopndent No.2 vide Annexure-B & etc.,

Writ Petition No.7733/2018

Between:

Smt. Hanamanthamma
W/o Nagendrappa
Aged about 40 years
Adhyaksha
Grama Panchayath, Timlapura
Taraganahalli Village and Post
Honnali Taluk
Davanagere District-577217.

... Petitioner

(By Mr. Vighneshwar S. Shastri, Advocate)

And:

1. State of Karnataka
Represented by its Principal Secretary
To Rural Development and Panchayathraj
M.S. Building, Bengaluru-560 001.
2. Assistant Commissioner

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Davanagere Sub Division
Davanagere District-577101.

3. Grama Panchayath
Thimlapura, Honnali Taluk
Davanagere District-577101
By its Secretary.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santhosh Kumar Killedar, Nodal Officer for R3)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to issue a writ of certiorari or any other appropriate writ, order or direction quashing the notice/proceedings dated 5-2-2018 in No.Chunavane/CR/94/2017-18 issued by Respondent No.2 as per Annexure-D holding the same as without jurisdiction and contrary to the provisions of Karnataka Panchayathraj Act 1993 & etc.,

Writ Petition No.7745/2018

Between:

P. Somanna
S/o late Puttaswamy
Aged about 54 years
President
Suttur Grama Panchayath
Nanjanagudu Taluk
Mysore District-571301.

... Petitioner

(By Mr. Gowthamdev C. Ullal, Advocate)

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And:

1. Assistant Commissioner
Mysore Sub-Division
Mysore-571301.
2. Suttur Grama Panchayath
Nanjanagudu Taluk
Mysore District-571301
Represented by its
Panchayath Development Officer
3. Sri. S. Ravi Kumar
S/o Nadige Siddanayaka
Aged about 40 years
R/at. Suttur Village & Post
Biligeri Hobli, Nanjanagudu Taluk
Mysore District-571129.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1
Mr. Santhosh Kumar Killedar, Nodal Officer for R2
Mr. P. Anand, Advocate for C/R3)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to issue a writ in the nature of certiorari and quash the notice dated 03-02-2018 passed by the 2nd Respondent vide Annexure-D & etc.,

Writ Petition No.8006/2018

Between:

Smt. Sumithra
W/o K.M. Nagaraja
Aged about 35 years
R/at. Chikka Kurubarahalli Village
Beechaganahalli Post

77/177

Gudibande Taluk-561209
Chikkaballapur District.

... Petitioner

(By Mr. Adinarayanappa, Advocate)

And:

1. State of Karnataka
Rept. by its Secretary
Department of Panchayath Raj
M.S. Building
Dr. B.R. Ambedkar Veedhi
Bangalore-560001.
2. The Asst. Commissioner
Chikkaballapur Sub-Division
Chikkaballapur-562101.
3. The Beechaganahalli Grama Panchayath
Beechaganahalli Village
Gudibande Taluk-561209
Chikkaballapur District.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santhosh Kumar Killedar, Nodal Officer for R3)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to issue a writ in the nature of certiorari to quash Annexure-A dated 07/02/2018 issued by the 2nd respondent in ELN/CR/35/2017-18 as being in violation of Section 49(2) of the Panchayath Raj and Gram Swaraj Act, 1993 & etc.,

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Writ Petition No.8043/2018

Between:

Smt. Rathna S
W/o Sharvana
Aged about 30 years
R/o Melina Hanasavadi
Shimoga Taluk & District-577201.

... Petitioner

(By Mr. Srikanth Patil, Advocate)

And:

1. The Assistant Commissioner & Election Officer
Shimoga Sub-Division
Shimoga-577201, Shimoga District.
2. The Panchayath Development Officer
Melina Hanasavadi Gram Panchayath
Shimoga Taluk & District-577201.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1
Mr. Santosh Kumar Killedar, Nodal Officer for R2)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to issue a writ of certiorari or any other writ quashing the Election Notice in No.UuVi/Chunavane/CR/4/2017-18 dated 08-02-2018, issued by the 1st respondent herein (vide Annexure-B), in the interest of justice and equity & etc.,

Writ Petition No.8128/2018

Between:

Smt. Puttathayamma
W/o D.M. Sommanna

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Aged about 54 years
President
Deviramanahalli Grama Panchayath
Nanjanagudu Taluk
Mysore District-571129.

... Petitioner

(By Mr. Gowthamdev C. Ullal, Advocate)

And:

1. Assistant Commissioner
Mysore Sub-Division
Mysore-571129.
2. Deviramanahalli Grama Panchayath
Nanjanagudu Taluk
Mysore District-571129
Represented by its
Panchayath Development Officer.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1
Mr. Santosh Kumar Killedar, Nodal Officer for R2)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to issue a writ in the nature of certiorari and quash the notice dated 03-02-2018 passed by the 2nd respondent vide Annexure-B & etc.,

Writ Petition No.8146/2018

Between:

Padmavathi T.C.
W/o T.N. Channegowda
Aged about 38 years
Member Kanthapura Grama
Panchatha, Nagamangala Taluk

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R/o No.70-1, Thattekere Village
Nagamangala Taluk
Mandya Dist – 574132.

... Petitioner

(By Mr. Syed Akbar Pasha, Advocate)

And:

1. State of Karnataka
Department of Panchayat Raj
And Rural Development
R/p by its Secretary
Vidhana Soudha
Bangalore-560 001.
2. The Assistant Commissioner
Pandavapura Sub Division
Pandavapura, Mandya Dist-571432.
3. The Secretary
Kanthapura Grama Panchayat
Kanthapura, Nagamangala Taluk
Mandya Dist – 571432.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2)**

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue writ of certiorari by quashing the impugned notice issued by 2nd respondent No. CHUNA.CR.56/2017-18 dated 12-01-2018 produced at Annexure-D & etc.,

Writ Petition No.23311/2017

Between:

Smt. Manjula W/o Balaraj
Aged about 28 year

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R/o Uchangipura-2 Village
Jagalur Taluk
Davanagere District.

... Petitioner

(By Mr. Rajagopal M.R. Advocate)

And:

1. The State of Karnataka
By its Principal Secretary
(Panchayat Raj)
Department of Rural Development
and Panchayat Raj, M.S. Building
Dr. Ambedkar Veedhi
Bengaluru-560 001.
2. The Assistant Commissioner
Harapanahalli Sub-Division
Harapanahalli
Davanagere District-583131.
3. The Chief Executive Officer
Zilla Panchayath
Lokikere Road
Davanagere-577002.
4. The Executive Officer
Jagalur Taluk Panchayath
Opposite to Mini Vidhana Soudha
Bidarakere Road, Jagalur
Davanagere District-577 528.
5. The Secretary
Diddigi Village Panchayath
Jagalur Taluk
Davanagere District-577528.
6. The Inspector of Police
Bilichodu Police Station

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Jagalur Taluk-577528
Davanagere District.

7. Smt. R.P. Vasantha W/o Prakash
Major in age
President, Diddige Grama Panchayath
Jagalur Taluk, Davanagere District.

.. Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. N.R. Jagadeeswara, Advocate for R3, R4 & R5
Mr. Arvind Kamath K, Advocate for R7)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to declare that sub-section (2) of Section 49 of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993, as inserted to the Statute under Amendment Act No.44/2015, is unconstitutional and also violative of Article 14 of the Constitution of India & etc.,

W.P.No.3486/2018

Between

R. Manjula
W/o Chandrashekar
Aged about 28 years
President of S.Neralakere
Grama Panchayath
Hosadurga Taluk
Chitradurga District-577 501

.. Petitioner

(By Mr. Manjunath N.D., Advocate)

And

1. Principal Secretary
Rural Development &

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Panchayath Department
Vikasa Soudha
Bengaluru-560 001

2. Assistant Commissioner
Chitradurga-577 501
3. Executive Officer
Taluk Panchayath
Hosadurga Taluk
Chitradurga District-577 501
4. Panchayath Development Officer
S.Neralakere Grama Panchayath
Hosadurga Taluk
Chitradurga Dist-577 501

...Respondents

**(By Mr. A.S. Ponnanna, Addl. Advocate General a/w
Mr. A.K. Vasanth, AGA and
Mr. D.R.Anandeeswara, HCGP for R1 & R2
Mr. Santhosh Kumar Killedar, Nodal Officer for R4)**

This writ petition is filed under Articles 226 & 227 of the Constitution of India praying to quash the notice dated 05.01.2018 issued by the R-2 as per Annex-C and etc.

Writ Petition Nos.3541/2018 & 4130/2018

Between:

Smt. Prema N
W/c M. Ravi
Aged 34 years
R/a Kaimara Village
Chikmagalur Thaluk
Chikmagalur Dist-577101.

... Petitioner

(By Mr. Prakash M.H. Advocate)

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And:

1. The State of Karnataka
Rep. by the Principal Secretary
Department of Panchayath Raj
M.S. Building, Ambedkar Street
Bangalore-560 001.
2. The Assistant Commissioner
Chikmagalur, Revenue Sub-Division
Chikmagalur Dist-577101.
3. Allampura Gram Panchayath
Chikmagalur Taluk
Rep. by The Panchayath Development Officer
Chikmagalur Thaluk & Dist-577101.
4. Smt. Hemavathi T.P.
Age Major
Member, Allampura Gram Panchayath
Chikmagalur Taluk
Chikmagalur Dist-577101.
5. Smt. Gayathri Druveesh
Age Major
Member & Upadhyakshya
Allampura Gram Panchayath
Chikmagalur Taluk
Chikmagalur Dist-577101.
6. Smt. Baby Krishna
Age Major
Member, Allampura Gram Panchayath
Chikmagalur Taluk
Chikmagalur Dist-577101.
7. Smt. Meenakshi Jagadeesh
Age Major

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Member, Allampura Gram Panchayath
Chikmagalur Taluk
Chikmagalur Dist-577101.

8. Smt. Leela Paramesh
Age Major
Member, Allampura Gram Panchayath
Chikmagalur Taluk
Chikmagalur Dist-577101.
9. Sri. B.P. Halesh
Age Major
Member, Allampura Gram Panchayath
Chikmagalur Taluk
Chikmagalur Dist-577101.
10. Sri. D. Pavi
Age Major
Member, Allampura Gram Panchayath
Chikmagalur Taluk
Chikmagalur Dist-577101.
11. Sri. B. Pradeep
Age Major
Member, Allampura Gram Panchayath
Chikmagalur Taluk
Chikmagalur Dist-577101.
12. Sri. N. Gopalakrishna
Age Major
Member, Allampura Gram Panchayath
Chikmagalur Taluk
Chikmagalur Dist-577101.
13. Sri. Ramesha M
Age Major
Member, Allampura Gram Panchayath
Chikmagalur Taluk

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Chikmagalur Dist-577101.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santosh Kumar Killedar, Nodal Officer for R3)**

These Writ Petitions are filed under Articles 226 & 227 of the Constitution of India praying to a writ in the nature of Certiorari to quash meeting notice dated 08-01-2018 issued by the respondent No.2 in Aliapura Gra.Pam/Adhyaksha Avishwasa/2018 vide Annexure-C as illegal and consequently declare the motion of no confidence made by the respondents Nos.4 to 13 on 01-01-2018 against petitioner, vide Annexure-B as illegal & etc.,

Writ Petition No.3848/2018

Between:

Smt. S. Anilamma
W/o Rangaswamy
Aged about 39 years
President, Vani Vilas Pura
Grama Panchayath
Ammanahatti, Kurubarahalli Post
Hiriyur Taluk
Chitradurga District-577599.

... Petitioner

(By Mr. H.K. Keachegowda Advocate)

And:

1. State of Karnataka
Department of Rural Development &
Panchayath Raj
Represented by its Principal Secretary
M.S. Building, Bangalore-560 001.
2. The Assistant Commissioner

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Chitradurga Sub-Division
Chitradurga District-577 501.

3. The Secretary/
Panchayath Development Officer
Vani Vilas Pura Grama Panchayath
Hiriyur Taluk
Chitradurga District-577 599.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santosh Kumar Killedar, Nodal Officer for R3)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to quash the impugned notice dated 04-01-2018 issued/written by the Members of the Respondent No.1-Grama Panchayath to the Respondent No.2 at Annexure-A by issuing a writ of Certiorari as illegal & etc.,

Writ Petition Nos.3978-79/2018

Between:

1. Smt. Sarasamma
Aged about 45 years
W/o Ramegowda
President: Byadarahalli Grama
Panchayath, Byadarahalli
K.R. Nagar Taluk
Mysuru District-571 602.
2. Sri. Ramegowda B
Aged about 65 years
S/o late Biligowda
Vice President: Byadarahalli Grama
Panchayath, Byadarahalli
K.R. Nagar Taluk
Mysuru District-571 602.

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... Petitioners

(By Mr. P. Nataraju, Advocate)

And:

1. State of Karnataka
Department of Panchayath Raj and
Rural Development
Vidhana Soudha
Bengaluru-560 001.

Represented by it's Secretary.

2. The Assisatnt Commissioner
Hunsur Sub-Division
Hunsur, Mysuru District-571 105.
3. The Byadarahalli Grama Panchayath
Byadarahalli, K.R. Nagar Taluk
Mysuru District-571 602.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP, for R1 & R2
Mr. Santosh Kumar Killedar, Nodal Officer for R3)**

These Writ Petitions are filed under Articles 226 & 227 of the Constitution of India praying issue a writ in the nature of certiorari quashing the notice in No.Gra.Pan.CR:131/2018 dated 20-01-2018 issued by the respondent No.2 to the petitioners vide Annexure-D and E respectively & etc.,

Writ Petition No.4363/2018

Between:

Smt. Rekha M.N.
Aged 32 years
W/o Sri. Bindusara S

89/177

Residing at H. Hosahalli
Dabbe Post
Beluru Taluk, Hasan District-570115.

... Petitioner

(By Mr. P.P. Hegde, Advocate)

And:

The Assistant Commissioner
Sakleshpura Sub-Division
Sakleshpura-573134.

... Respondent

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP)**

This Writ Petition is filed under Article 226 of the Constitution of India praying issue a writ of certiorari, quashing a notice dated 16-01-2018 issued by the respondent at Annexure-A & etc.,

Writ Petition No.8532/2018

Between:

Smt. G.S. Savithri Gundamma
W/o Siddgangappa
R/o Gundappa Chikkenahalli Village
Aged about 42 years
President of Hemdore
Grampanchayth
Sira Taluk, Tumkur District.

.. Petitioner

(By Mr. Aravind H, Advocate)

And:

1. The Secretary
Department of Rural Development

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and Panchayath Raj
M.S. Building, Bengaluru-01.

2. The Assistant Commissioner
Madhugiri Sub-Division
Madhugiri, Tumkur District-572175.
3. The Panchayath Development Officer
Hemdore Gramapanchayth
Sira Taluk, Tumkur District-572135.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP for R1 & R2)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to call for records pertaining to the Annexure-'D' issue a writ in the nature of certiorari or any other writ to quash the impugned Notice No.KPR CR::68/2017-18 dated 15-02-2018 issued by the 2nd respondent vide Annexure-'D' & etc.,

Writ Petition No.8079/2018

Between:

Asha
W/o Shivanna
Aged about 31 years
R/at. K.R. Pura Village
N. Belathuru Post
Antharasanthe Hobli
H D. Kote Taluk, Mysroe-571114.

... Petitioner

(By Mr. Kumara K.G. Advocate)

And:

1. State of Karnataka
Department of Panchayat Raj

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and Rural Development
Vidhana Soudha
Bangalore-560 001
By its Principal Secretary.

2. The Assistant Commissioner
Hunsuru Sub-Division
Hunsuru-571105.
3. Hosaholalu Grama Panchayat
H.D. Kote Taluk
Mysore District-571114
Represented by its Secretary.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP for R1 & R2)**

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ in the nature of certiorari quashing the Notice bearing No.GP.CR:134/2017-18 dated 20-01-2018 issued by the Respondent No.2 vide Annexure-C & etc.,

Writ Petition No.8296/2018

Between:

Smt. K. Thippamma
W/o Vadrabasappa
Aged about 52 years
Kondlahalli Village
Molkalmur Taluk
Chitradurga District-577535.

... Petitioner

(By Mr. Deepak J, Advocate)

And:

1. State of Karnataka

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Department of Panchayat Raj
and Rural Development
By its Secretary
Vidhana Soudha
Bangalore-560 001.

2. The Assistant Commissioner
Chitradurga Sub-Division
Chitradurga-577501.
3. Kondlahalli Grama Panchayat
Kondlahalli, Mollkalmur Taluq
Chitradurga District-577535
Rep. by its Secretary.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP for R1 & R2)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to issue a writ in the nature of certiorari quashing the Letter dated 29-01-2018 written by the member of the Grama Panchayath to the Respondent No.2 vide Annexure-B & etc.,

Writ Petition No.3435/2018

Between:

Smt. Lathamma
W/o Nagaraj
Aged about 40 years
Siddeshwaranadurga Village
Siddeshwaranadurga Post
Parashurampura Hobli
Challakere Taluk-577538.

... Petitioner

(By Mr. H. Devendrappa, Advocate)

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And:

1. The Assistant Commissioner
Chitradurga Sub-Division
Chitradurga-577538.
2. The Siddeshwaranadurga Gram
Panchayath, Siddeshwaranadurga
Challakere Taluk-577538
Rep. by its P.D.O.
3. Smt. Rudramma
W/o Srinivasa Reddy
Aged about 45 years
4. Smt. Durugamma
W/o Mahalingappa
Aged about 50 years.
5. Sri. D. Nagaraja
S/o Dasappa
Aged about 45 years.
6. Smt. N. Shobha
W/o Durugappa
Aged about 30 years.
7. Smt. Lalithamma
W/o Rajanna
Aged about 50 years.
8. Sri. Mourya
S/o Manjunatha S
Aged about 30 years.
9. Smt. V. Sujatha
W/o Rama Reddy
Aged about 28 years.
10. Smt. Lakshmiddevamma

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W/o Veera Naika H
Aged about 50 years.

11. Sri. Honnurappa
S/o Malappa
Aged about 55 years.

12. Sri. C. Ramanna
S/o Chittappa
Aged about 50 years.

All are members and R/o.
Siddeshwaranadurga Gram Panchayath
Siddeshwaranadurga
Challakere Taluk-577538.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA &
Mr. D.R. Anandeeswara, HCGP for R1
Mr. Devi Prasad Shetty, Advocate for C/R12
R2 to R4, R6, R8 to R11 are served)**

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ in the nature of Certiorari, to quash the impugned notice vide Annexure-B, bearing No.Election:CR/72/17-18 dated 12-01-2018 issued by the 1st Respondent & etc.,

Writ Petition No.8298/2018

Between:

Smt. P. Shobha W/o Ganagadharaiah H.K.
Aged about 28 years
President of Hunasehalli
Gramapanchayth
Gowdagere Hobali
Sira Taluk, Tumkur District.

... Petitioner

(By Mr. Aravind H, Advocate)

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And:

1. The Secretary
Department of Rural Development
and Panchayat Raj
M.S. Building
Bangalore-560 001.
2. The Assistant Commissioner
Madhugiri Sub-Division
Madhugiri, Tumkur District-572175.
4. The Panchayath Development Officer
Hunasehalli, Gramapanchayth
Gowdagere Hobali
Sira Taluk, Tumkur District-572139.

... Respondents

**(By Mr. A.S. Ponnanna, Additional Advocate General a/w
Mr. A. K. Vasanth, AGA for R1 & R2)**

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to call for records pertaining to the Annexure-'D' issue a writ in the nature of certiorari or any other writ to quash the impugned Notice No:KPR CR:67/2017-18 dated 12-02-2018 issued by the 2nd respondent vide Annexure-'D' & etc.,

These Writ Petitions having been heard and reserved on **22-02-2018**, coming on for Pronouncement of Judgment, this day, **Dr Vineet Kothari, J**, delivered the following:

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J U D G M E N T

1. The provisions of **Section 49(2) of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993** ('Act' for short) inserted by **Act No.44 of 2015** with effect from **31/12/2015** have come up before this Court by way of challenge to the *vires* thereof or in the alternative interpretation of the same which deals with the moving of '**No Confidence Motions**' against the Adhyakshas/Upadhyakshas of Grama Panchayats in the State of Karnataka.

2. The Rules in this regard were enacted by the State Government in the year 1994 and are known as the '**Karnataka Panchayat Raj (Motion of No-Confidence against Adhyaksha and Upadhyaksha of Grama Panchayat) Rules, 1994**' ('Rules of 1994' for short) notified in Karnataka Gazette, Extraordinary on **21/09/1994**.

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3. But in the present matter, the Respondent State has taken a stand before the Court that after insertion of sub-section (2) in Section 49 of the Act, with effect from **31/12/2015**, the aforesaid 'Rules of 1994' with regard to moving of '**No Confidence Motions**' have not been amended, however such an amendment in the Rules is said to be under active consideration by the Respondent – State.

4. The present batch of writ petitions have been filed either by the affected Adhyakshas/Upadhyakshas against whom such '**No Confidence motions**' have been moved by the requisite number of the Members of the Grama Panchayats or even by some of the Members espousing their cause and in the writ petitions filed by Adhyakshas and Upadhyakshas, the Members have sought impleadment in certain cases. But such impleadment Applications and other Interlocutory

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Applications need not be separately considered as on a detailed hearing of the matters at the Admission stage itself by agreement of both the sides, the present batch of writ petitions is being disposed of finally at this stage itself.

5. The relevant provisions of Section 49 in its entirety including the impugned provisions of Section 49(2) are quoted below for ready reference.

“49. Motion of No Confidence against Adhyaksha or Upadhyaksha of Grama Panchayat. – [(1)] *Every Adhyaksha or Upadhyaksha of Grama Panchayat shall forthwith be deemed to have vacated his office if a Resolutions expressing want of confidence in him is passed by a **majority of not less than two thirds** of the total number of members of the Grama Panchayat at a meeting specially convened for the purpose in accordance with the procedure as may be prescribed:*

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Provided that no such Resolutions shall be moved unless notice of the Resolutions is signed **by not less than [one-half] of the total number** of members and at least ten days notice has been given of the intention to move the Resolutions.

Provided further that no Resolutions expressing want of confidence against an Adhyaksha or Upadhyaksha, shall be moved **[within the first thirty months] from the date of his election:**

Provided also that where a Resolutions expressing want of confidence in any Adhyaksha or Upadhyaksha has been considered and negatived by a Grama Panchayat a similar Resolutions in respect of the same Adhyaksha or Upadhyaksha shall not be given notice of, or moved, **[within two years] from the date of the decision of the Grama Panchayat.**

(2) Notwithstanding anything contained in sub-section **(1) no Resolution**

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expressing want of confidence against an Adhyaksha or Upadhyaksha, shall be moved **except on specific allegation of misuse or abuse of power or authority** in executing any scheme, action plan or direction of Government or project of the panchayat or of misappropriating funds or other assets of the panchayat during the term of his membership or otherwise indulging in **corruption or misconduct** in the course of exercising his functions.”

6. The Rules of 1994 also, not being very elaborate, are also quoted herein below for ready reference.

“1. Title and commencement.- (1) These rules may be called the Karnataka Panchayat Raj (Motion of No-Confidence Against Adhyaksha and Upadhyaksha of Grama Panchayat) **Rules, 1994.**

(2) They shall come into force at once.

2. Definitions. – In these rules unless the context otherwise requires, -

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(a) **“Act”** means the Karnataka Panchayat Raj Act, 1993 (**Karnataka Act 14 of 1993**).

(b) **“Form”** means form appended to these rules.

(c) **“Section”** means a section of the Act.

3. Motion of No-confidence. – (1) A written notice of intention to make the motion under the **proviso to Section 49 shall be in Form I signed by not less than one-third** of the total number of members together with a copy of the proposed motion shall be delivered in person by any two of the members signing the notice to the Assistant Commissioner.

(2) The Assistant Commissioner **shall thereafter convene a meeting** for the consideration of the said motion at the office of the Grama Panchayat on the date appointed by him which **shall not be later than thirty days** from the date on which the notice under sub-rule (1) was delivered to

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him. He shall give to the members a **notice of not less than fifteen clear days** of such meeting in Form II:

Provided that where the holding of such meeting is stayed by an order of a Court, the Assistant Commissioner shall adjourn the said meeting and shall hold the adjourned meeting on a date not later than thirty days from the date on which he receives the intimation about the vacation of stay, after giving to the members, after giving to the members a notice of not less than fifteen clear days of such adjourned meeting.

(3) **A notice in Form II shall be given to every member including the Adhyaksha and Upadhyaksha. -**

(a) by delivering or tendering the said notice to such members; or

(b) if such member is not found, by leaving such notice at his last known place of residence or business within the Grama Panchayat or by

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giving or tendering the same to some adult member or servant of his family; or

(c) by registered posts; or

(d) if none of the means aforesaid be available, by affixing such notice on some conspicuous part of the house, if any, in which the member is known to have last resided or carried on business within the Grama Panchayat.

*(4) The **quorum for such meeting shall be two thirds of the total number** of members of the Grama Panchayat. The Assistant Commissioner shall preside at such meeting.*

Explanation. – *For determination of two third of total number of members under this sub-rule any fraction arrived at shall be construed as one.*

(5) Save as otherwise provided in the Act or these rules, a meeting convened for the purpose of considering a motion under sub-

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rule (2) **shall not for any reason be adjourned.**

(6) If there is **no quorum**, within one hour after the time appointed for the meeting, the meeting **shall stand dissolved** and the notice given under sub-rule(1) shall lapse.

(7) As soon as the meeting convened and sub-rule (2) commences the **Assistant Commissioner shall read to the members of the Grama Panchayat**, the motion for the consideration of which the meeting has been convened and **shall put it to vote without any debate.**

(8) The Assistant Commissioner **shall not speak on the merits of the motion** and he shall not be entitled to vote thereon.

(9) **If the motion is carried by a majority of not less than two thirds of the total number of members of the Grama Panchayat**, the Adhyaksha or Upadhyaksha, as the case may be, **shall forthwith cease to function as such** and the Assistant

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commissioner shall, as soon as may be, notify such cessation on the notice board of the office of the Grama Panchayat and also inform the Adhyaksha or Upadhyaksha, as the case may be, reading such cessation, if he is not present at the meeting.

*(10) After the cessation is notified under sub-rule (9) the Adhyaksha or Upadhyaksha as the case may be **shall, immediately hand over all documents, moneys or other properties** of the Grama Panchayat in his custody to the Secretary of the Grama Panchayat.*

(11) The election to the office of Adhyaksha or Upadhyaksha shall not be held until the notification under sub-rule (9) removing the Adhyaksha or Upadhyaksha, as the case may be, is published.”

7. The learned counsel for the petitioners have raised the following contentions before the Court:-

(I) That the *non obstante Clause* of Section 49(2) of the Act has to be read only as a further Proviso

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to Section 49(1) which already comprises three Provisos and it is a safeguard provided to the elected Adhyakshas/Upadhyakshas of the Grama Panchayats and no Motion for No Confidence (NCM) can be moved against these elected persons to the post of Adhyakshas/Upadhyakshas except on the specific allegations of misuse or abuse of power or authority or misappropriation of funds or corruption, etc. as enumerated in sub-section (2) quoted above.

(II) The learned counsels for the petitioners have argued that in almost all these writ petitions barring few exceptions since the nature of allegations leveled in the notice seeking to move **'No-Confidence Motion'** against Adhyakshas/Upadhyakshas contain only bald, general and wild allegations of misuse or abuse of power or authority or misappropriation of funds or corruption etc., against these persons, the motion moved by the Members of the Grama Panchayat itself was not in

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accordance with Section 49(2) of the Act which provides a safeguard to them and therefore the Assistant Commissioner who is enjoined with the duty to convene the meeting of the Grama Panchayats for consideration of such '**No Confidence Motion**' was not entitled to convene such a meeting for consideration by the Members of the Grama Panchayat and this Court should strike down such notices for calling the meetings for the said purpose.

III. The learned counsels for the petitioners submitted that Section 49(1) requires the moving of '**No Confidence Motion**' at least by one half of the total number of Members and a majority of not less than two third of the total number of Members of Grama Panchayat for passing such Resolutions of '**No Confidence Motion**' and then only the Office of Adhyaksha/Upadhyaksha is deemed to have been vacated by him.

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They further submitted that at least a minimum of ten days' notice has to be given by the Members expressing their intention to move such a Resolutions of **'No Confidence Motion'** as per the First Proviso to Section 49(1) of the Act.

(IV) The Second Proviso to Section 49(1) of the Act provides for an initial moratorium period of first 30 months from the date of his election and therefore no such **'No Confidence Motion'** can be moved against the Adhyaksha/Upadhyaksha within first 30 months from the date of his election.

(V) The Third Proviso to Section 49(1) of the Act further provides that if such a **'No Confidence Motion'** is negated by the Grama Panchayat once, then, a similar Resolution in respect of the same Adhyaksha/Upadhyaksha cannot be moved **within two years** from the date of such earlier Resolution negated by the Grama Panchayat.

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(VI) They submitted that normal period of office of the Members of the Grama Panchayat as well as Adhyaksha/Upadhyaksha is five years and the purpose of providing the initial moratorium period of 30 months and providing for a minimum number of one half of the Members to move such a Resolutions and two third of majority to pass such a Resolutions are all safeguards provided to such Adhyakshas/Upadhyakshas by the said enactment to provide them the requisite stability in office, so that they can carry out the work of the Grama Panchayaths with peace and stability.

(VII) Therefore, the learned counsel for the petitioners further contended that sub-section (2) was brought on the Statute Book to provide a further safeguard to such Adhyakshas/Upadhyakshas of the Grama Panchayats to the effect that no Resolutions of **'No Confidence Motion'** shall be moved, except on

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specific allegations of misuse or abuse of power or authority or misappropriation of funds or corruption etc., as stipulated in sub-Section (2) under any circumstances and therefore even before the period of initial moratorium of 30 months or after that period, any such motion of No confidence (NCM) against Adhyaksha/ Upadhyaksha can be moved only on the basis of the specific allegations of misuse or abuse of power or authority or misappropriation of funds or corruption etc., and under no other circumstances, such a motion can be moved by any Member or Members, even if they are more than half of the total number of Members of Grama panchayat.

(VIII) The learned counsel for the petitioners therefore, contended that since the impugned notices for '**No Confidence Motion**' in the present cases do not even fit in the parameters of Section 49(2) of the Act, therefore, the motions themselves were illegal and

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summoning of meetings by the Assistant Commissioner to consider such motions deserve to be quashed by this Court and the motions even having been considered and passed by Members in some of the cases, such Resolutions also deserve to be quashed by this Court, allowing the petitioners to continue in the office of the Adhyaksha/Upadhyaksha in which they were elected in the year 2015 and by now they have not completed their full term of five years.

(IX) The learned counsels for the petitioners also submitted that in the absence of any specific Rules enacted or amended after 1994, such motions without specific allegations of misuse or abuse of power or authority or misappropriation of funds or corruption etc., cannot be allowed to be considered because the un-amended Rules of 1994 do not permit any debate on the merits of the motion and only after the Assistant Commissioner convenes such meeting and at such

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meeting reads out to the Members of the Grama Panchayat the motion for consideration, he shall put the same to vote without any debate as per Rule 7 of the Rules of 1994.

(X) Rule 8 further provides that the Assistant Commissioner himself shall not speak on the merits of the motion and he would not be entitled to vote thereon.

(XI) Thus, the learned counsels for the petitioners argued that a serious consequence of vacation of Office of Adhyaksha/Upadhyaksha can follow even without any debate or inquiry in the allegations against such elected persons merely if half of the Members of Grama Panchayat move such a '**No Confidence Motion**' and without any inquiry they may be thrown out of the elected offices even though the allegations of misuse or abuse of power or authority or misappropriation of funds or corruption etc., may be absolutely false or baseless and in the said process it may not only severely

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tarnish and damage the reputation of the elected Adhyakshas/Upadhyakshas, but such persons may be condemned and removed from the office unheard and therefore such motions should not be allowed to be moved and considered, unless in compliance with the principles of natural justice, at least, some kind of inquiry is held into the nature of allegations as to whether they are specific or not and whether they are sufficient to allow a motion of **'No Confidence'** to be considered by the Members of the Grama Panchayat or not.

(XII) In the alternative, the learned counsels for the petitioners argued that if the said provision of Section 49(2) of the Act cannot be read in the aforesaid manner harmoniously with Section 49(1) of the Act, then the provision of Section 49(2) itself deserves to be struck down as *ultra vires* by this Court and the

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consequent motions and actions or Resolutions in the present cases also deserve to be quashed.

8. On the other hand, learned Additional Advocate General, Mr. A.S. Ponnanna relying upon the Affidavit of the Principal Secretary of the Department of Rural Development and Panchayat Raj, Dr. Nagambika Devi submitted the following:-

(I) That Section 49(2) of the Act inserted by **Act No.44 of 2015** and Gazetted on **31/12/2015** which came into effect on **25/02/2016** is mandated to provide a safeguard to the elected Adhyakshas/Upadhyakshas of Grama Panchayats so that no such Resolutions for '**No Confidence Motion**' (NCM) can be moved even by the minimum requisite number of half of the total Members of the Grama panchayat except on the specific allegations of misuse or abuse of power or authority or misappropriation of funds or corruption etc., specified in Section 49(2) of the Act and with its *non obstante*

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Clause it should actually be construed to be a further Proviso in the Scheme of Section 49(1) of the Act itself which provides for an initial moratorium period of 30 months under Second Proviso to Section 49(1) of the Act.

(II) The learned Additional Advocate General submitted that the State Legislature taking note of the constant change of Adhyakshas/Upadhyakshas by using the mechanism of **'No Confidence Motion' (NCM)** came up with two safeguards in terms of Provisos to Section 49(1) of the Act and then sub-section (2) of Section 49 and to provide the security of office to the elected Adhyakshas/Upadhyakshas even after the lapse of 30 months such motions cannot be moved on the whims and fancies of the Members, but it must be based on the specific allegations against the Adhyakshas/Upadhyakshas as stipulated under Section 49(2) of the Act.

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(III) The learned Additional Advocate General further submitted before the Court that recently the State Government has issued the **Circular No.RDP 887 GPA 2017** dated **07/02/2018**, which is quoted below *in extenso* and which contains certain Guidelines with respect to Rules of 1994 to enable the Members to move the '**No Confidence Motions**' against the Adhyakshas/ Upadhyakshas of Grama Panchayats. The said **Circular** dated **07/02/2018** *inter alia* provides that the Assistant Commissioner of Revenue Sub-Division shall be the competent Authority to accept the notice in respect of '**No Confidence Motion**' under the Rules of 1994 and to call the meeting of Grama Panchayats for the same and he will ensure that Conditions at Sl.Nos.1, 2 and 4 in the said **Circular** are available before accepting the notice for '**No Confidence Motion**'. He will further ensure that the '**No Confidence Motion**' should have the specific allegations as mandated in

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sub-section (2), and after receipt of **'No Confidence Motion'** by the Members with specific allegations against Adhyaksha/Upadhyaksha, he shall refer the same to the Executive Officer of the concerned Taluk Panchayat within two days asking him to furnish the Factual Report about the allegations. Then the Executive Officer of the concerned Taluk Panchayat, on and based on such Report of the Executive Officer, receipt of the same, shall inquire into the same based on the available facts and submit a factual Report within one week the Assistant Commissioner shall take further necessary action to fix the date for meeting to take up such **'No confidence Motion' (NCM)** for consideration by the Members of the Grama Panchayats in accordance with the Rules of 1994.

(IV) The learned Additional Advocate General has further submitted that the **Circular** dated **07/02/2018** will come into effect only from date of the **Circular** dated

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07/02/2018 and it does not have any retrospective effect. The said **Circular** dated **07/02/2018** is quoted below for ready reference:

"Government of Karnataka

No.RDP 887 GPA 2017 **Date:07-02-2018**

Karnataka Government Secretariat
M.S. Building
Bangalore

CIRCULAR

Sub: No-Confidence Motion against Adhyaksha and Upadhyaksha of Grama Panchayats.

*Ref: Karnataka Panchayat Raj (No-Confidence Motion against Adhyaksha and Upadhyaksha of Grama Panchayat) **Rules 1994***

*Consequent to the amendment brought to Karnataka Grama Swaraj and Panchayat Raj Act, 1993 in **2nd amendment 2015 (2015 Karnataka Act No-44)**, the following changes have been brought in to the Section 49 (No-Confidence Motion*

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against Adhyaksha and Upadhyaksha of Grama Panchayat).

I. Sub-Section 1:

1. No-Confidence Motion against Adhyaksha and Upadhyaksha of Grama Panchayats should not be moved **within 30 months of their election.**

2. Not less than **50% of the total strength** of Grama Panchayat **members should have filed the notice** of No-Confidence motion. Such notice indicating No-Confidence should be given at least 10 days in advance.

3. If the No-Confidence motion is passed by not less than **two third members** of the Grama Panchayath, the Adhyaksha/Upadhyaksha of Grama Panchayats shall vacate their position.

4. If no-confidence Motion against Adhyaksha/Upadhyaksha of Grama Panchayats **once failed then** it shall not be

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*moved once again another period of **two years.***

II. Sub-Section 2:

*No-Confidence Motion against Adhyaksha and Upadhyaksha of Grama Panchayats **shall not be moved without any specific allegations** which are as follows.*

Specific allegations relating to misuse or abuse of power or authority in executing any scheme, action plan or direction of Government or project of the panchayat or of misappropriating funds or other assets of the panchayat during the term of his/her membership or otherwise indulging in corruption or misconduct in the course of exercising his/her functions.

Section 49 provides for the procedure to be followed in a meeting of the Grama Panchayat. Accordingly, the Karnataka

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*Panchayat Raj (No-Confidence Motion against Adhyaksha and Upadhyaksha of Grama Panchayat) Rules, 1994 have been constituted to enable members to move No-Confidence Motion against Adhyaksha and Upadhyaksha of Grama Panchayats. **The proposal to amend the said rules is under consideration of Government. Before bringing amendment to the rules Government felt it is necessary certain to issue the following guidelines.***

*The **Assistant Commissioner of Revenue Sub-Division has been appointed as the competent authority** to accept notice in respect of the No-Confidence motion under the Karnataka Panchayat Raj (No-Confidence Motion against Adhyaksha and Upadhyaksha of Grama Panchayat) Rules, 1994 and to call the meeting of the Grama Panchayat for the same.*

*The Assistant Commissioner should **ensure the conditions at serial no.1, 2***

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and 4 above are fulfilled before accepting the notice for No-Confidence motion.

It should be ensured that the No-Confidence motion against the Adhyaksha/Upadhyaksha **should have specific allegations as** mandated at serial no.2 above.

The Assistant Commissioner after receipt of the no-confidence motion by members with specific allegation against the Adhyaksha/Upadhyaksha **shall refer the same to the Executive Officer of the concerned Taluk Panchayat within two days** asking to furnish the **factual report** about the allegations.

Executive Officer of the concerned Taluk Panchayat on receipt of the allegations against Adhyaksha/Upadhyaksha **shall enquire into the same based on the available facts and submit a report within one week.**

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*Based on the report of the Executive Officer, the Assistant Commissioner **shall take further necessary action to fix the date for taking up the No-Confidence motion.***

Besides this action has to be taken as per provisions specified in the Karnataka Panchayat Raj (No-Confidence Motion against Adhyaksha and Upadhyaksha of Grama Panchayat) Rules, 1994.

*The above guidelines **shall be strictly followed in respect of** No-Confidence Motion against Adhyaksha/Upadhyaksha of Grama Panchayats.*

*Sd/-
(M.K.Kempegowda)
Director(PR-1) and Ex-Officio
Joint Secretary to Government
Rural Development & Panchayat Raj Dept.”*

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(V) On the basis of the aforesaid submissions, Mr. Ponnanna therefore submitted that the motions moved in the present cases have been moved in accordance with Section 49(2) of the Act and under the interim orders of this Court allowing such motions to be considered by the Members of the Grama Panchayat, the same have been considered by the Members of the Grama Panchayats in accordance with the Rules of 1994 and in almost all the cases, the motion has been carried out by 2/3rd majority required resulting in the vacation of the Office of the Adhyaksha/Upadhyaksha of the concerned Grama Panchayats. The details of such motions considered and carried out and Resolutions passed, in the form of a Chart as submitted by the learned Government counsel are also quoted below for ready reference.

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MEETING PROCEEDINGS

Sl. No.	W.P.No.	Gram Panchayat	Date of Election	Total Members	Meeting In favour	Meeting Against	Ab-sent	OH
1	5395/2018	Yaraballi, Hiriyyur taluk	07-02-2018	17	16	01	00	-
2	2036/2018	Kellodu Hosadurga taluk	31-01-2018	17	13	04	0	-
3	1950/2018	Jinnagara Kunigal taluk	24-01-2018	15	11	01	03	-
4	1779/2018	Medehalli, Chitradurga taluk	20-01-2018	251	18	01	02	-
5	1724/2018	Chikkabennur, Chitradurga taluk	22-01-2018	17	12	05	00	-
6	1935/2018	Basavanahalli, Nelamangala taluk	03-02-2018	21	17	04	00	-
7	4676/2018	Thyamagondlu, Nelamangala taluk	03-02-2018	21	17	04	00	-
8	4674/2018	Aralakuppe, Pandavapura taluk	31-01-2018	18	13	05	00	-
9	3161/2018	Somaguddu, Chitradurga taluk	19-01-2018	15	12	03	00	-
10	3980/2018	Lalandevanahalli, K.R. Nagar taluk	06-02-2018	23	23	00	00	-
11	4375/2018	Dashavara, Ramanagara taluk	03-02-2018	11	09	02	00	-
12	4855/2018	Kalledevarapura, Jagalur taluk		13	09	00	04	-
13	5027/2018	Dasarahalli, Chikkamagaluru taluk	06-02-2018	08	06	02	00	-
14	4446/2018	Narayanapura, Beluru taluk	01-02-2018	17	13	03	01	-
15	4363/2018	Hunuganahalli, Sakaleshapura taluk	01-02-2018	0-	06	03	00	-
16	3978-79/2018	Byadarahalli, K.R. Nagara taluk	06-02-2018	15	11	04	00	-
17	3970/2018	Harannahalli, Arasikere taluk	05-02-2018	15	11	04	00	-
18	3541/2018	Allampura, Chikkamagaluru taluk	01-01-2018	12	11	01	00	-
19	3848/2018	Vanivilasapura, Hiriyyur taluk	01-02-2018	22	21	01	00	-

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Sl. No.	W.P.No.	Gram Panchayat	Date of Election	Total Members	Meeting In favour	Meeting Against	Ab-sent	OH
21	6372/2018	Halebeedu	15-02-2018	17	15	02	00	-
22	4429/2028	Madhuvanahalli	08-02-2018	29	21	01	07	-
23	4958/2018	Chinniga	09-02-2018	10	07	01	00	02
24	5024/2018	Kungalli	14-02-2018	18	11	02	00	-
25	1935-36/2018	Basavanahalli	01-01-2018	17	13	04	00	-
26	5645/2018	Talaguppa	17-02-2018	11	08	03	00	-
27	5394/2018	Hanclikuppa	15-02-2018	16	13	03	00	-
28	5911/2018	Choradi	29-01-2018	10	08	00	02	-
29	5953/2018	Naranapura	19-02-2019	08	06	02	00	-
30	6234/2018	Nuggihalli	15-02-2018	10	07	03	00	-
31	6009/2018	Melinahesige		10	07	03	00	-
32	7733/2018	Thimalapura, G.P.		15	14	01	00	-
33	4504/2018	Nagaramgere, G.P.	09-02-2018	22	16	01	05	-
34	6955/2018	Kondalahalli, G.P.	21-02-2018	24	16	08	00	-
35	5882-84/2018	Rammanahalli, G.P.	17-02-2018	23	20	03	00	-
36	6501-02/2018	Benakanahalli, G.P.	16-02-2018	15	11	01	03	-
37	8128/2018	Devveerammanahalli, G.P.	20-02-2018	26	16	00	00	-
38	7745/2018	Sutturu, G.P.	20-02-2018	13	13	00	0	-
39	6386/2018	Hegguru, G.P.	15-02-2018					
40	6532/2018	Kangadahalli, G.P.	20-02-2018	18	12	06	00	-

Place: Bengaluru
Date:22-02-2018

Sd/-
A.K. VASANTH
GOVT. ADVOCATE.

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(VI) In two of the writ petitions, viz. in **Writ Petition No.3434/2018 (Smt. Gowramma Vs. State of Karnataka and others)** for **Hirehally Grama Panchayat** and **Writ Petition No.3435/2018 (Smt. Lathamma Vs. The Assistant Commissioner and others)** for **Siddeshwaranadurga Grama Panchayat**, a co-ordinate Bench of this Court passed interim orders staying the operation of the notice for meeting issued by the Assistant Commissioner itself and therefore, the meetings for these two Grama Panchayats for considering the 'No Confidence Motion' could not be held so far.

(VII) It appears the previously passed interim order dated **18/01/2018** was perhaps not brought to the notice of the coordinate bench on **23/01/2018** and **24/01/2018**, respectively.

(VIII) However, in these two writ petitions also, the learned counsels representing the concerned

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Members who moved for such '**No confidence Motion**' vehemently argued for vacating the said interim orders passed by the co-ordinate Bench on **23/1/2018** and **24/01/2018**, respectively.

(IX) In accordance with the interim orders passed in all other cases of this nature on **18/01/2018** where the Court permitted such meeting to be held and the result of the meeting to be produced before the Court in sealed covers before this Court and upon production of such sealed covers, with the permission of the Court, the learned Additional Advocate General has opened the sealed covers and prepared the Summary of the same as given above and the same have been placed on record of the Court.

9. The interim order passed on **18/01/2018** in other cases is quoted below for ready reference.

1. The learned Senior Counsel for the petitioners has submitted before the Court

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that the **'No Confidence Motion'** against the petitioners, who are Adhyaksha/Upadhyaksha of the Respondent – Basavanahalli Grama Panchayat has been moved by the Members of the said Gram Panchayat without any specific allegations of misuse or abuse of powers or of corruption, etc. against the petitioners as required under **Section 49(2)** of the **Karnataka Gram Swaraj and Panchayat Raj Act, 1993** ('Act of 1993' for short) and since the said non obstante provisions of Section 49(2) of the Act of 1993 covers all cases of **'No Confidence Motions'** against Adhyakshas/Upadhyakshas of the Gram Panchayats, such motions cannot be moved without containing any specific allegation of misuse or abuse of powers or of corruption etc. against such Adhyakshas/Upadhyakshas and therefore the impugned motion and the consequential meeting called by the Respondent Assistant Commissioner for considering the said **'No Confidence Motion'** by the Members of Gram

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Panchayat deserves interference by this Court.

2. *It is further submitted that the **Karnataka Panchayat Raj (Motion of No Confidence Against Adhyaksha And Upadhyaksha of Grama Panchayat) Rules, 1994**, providing for the procedure of moving such 'No Confidence Motion' under **Rule 3** has not been amended after insertion of Sub-section (2) in Section 49 of the Act of 1993 by **Act No.44 of 2015**, with effect from **31/12/2015** and therefore, the procedure for consideration of the '**No Confidence Motion**' under Section 49(2) of the Act of 1993 is not even specified in the Rules.*

3. *It is further submitted that the provisions of **Section 49(1)** of the Act of 1993 providing for initial moratorium period of 30 months and requirement of motion to be moved by at least one half of the total Members for considering the 'No Confidence Motions' in a normal situation does not affect Section 49(2) of the Act of 1993 and since*

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Section 49 (2) of the Act of 1993 applies to all Resolutions of 'No Confidence' with regard to Adhyakshas and Upadhyakshas, the existence of a specific allegation against such persons is necessary and without that no such motion can be considered, even though such motions may be moved even within the moratorium period of 30 months, in view of the non obstante provisions of Section 49(2) of the Act of 1993.

4. *The question, whether all such 'No Confidence Motions' against Adhyakshas/Upadhyakshas can be moved only under Section 49(2) or can be so moved under Section 49(1) also without any allegations of misuse or abuse of powers or of corruption under Section 49(1) of the Act of 1993, will require consideration and a proper and harmonious interpretation of the two Sub-sections of Section 49 of the Act of 1993.*

5. Hence, **Issue Notice.**

6. *Learned Government Advocate, Mr..A.K. Vasanth accepts notice on behalf of the Respondents 1 and 2 – State.*

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7. *The Nodal Officer, Mr. Santhoshkumar Killedar appears for Respondent No.3 – Grama Panchayat. He may be supplied with a copy of the writ petitions along with Annexures.*

8. *The Respondents may file their response within a period of four weeks from today.*

9. *Heard for interim relief also.*

10. *In the facts and circumstances of the case, in view of the fact that there are no allegations of misuse or abuse of powers or of corruption, etc., in the motion moved by the Members of the said Grama Panchayat, it is directed that let the Meeting for consideration of the said Motion for No Confidence be held and motion be considered by the Members of the said Grama panchayat on the scheduled date as already notified by the Assistant Commissioner and the result of the said Meeting and the Resolution may be placed before the Court in a sealed cover and the*

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effect of such Resolution will be given thereafter subject to the further orders of this Court.

11. *In view of the importance of the matter, the learned Advocate General is requested to assist the Court.*

12. *A separate copy of the writ petitions be supplied to the learned Advocate General.*

13. *Put up on **08-02-2018**, as prayed.”*

10. After the said interim order dated **18/01/2018**, another order was passed by this Court subsequently on **08/02/2018**. The said order dated **08/02/2018** is also quoted below for ready reference.

“ 1. Heard the learned counsel for the petitioners.

2. Heard the learned Additional Advocate General, Mr. A.S. Ponnanna appearing for Respondent – State for some time.

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3. The stand taken by the learned Additional Advocate General on behalf of the State Government is that the **Section 49(2)** of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 ('Act' for short) inserted by **Act No.44 of 2015** with effect from **31/12/2015** is to provide a safeguard to the elected Adhyaksha/Upadhyaksha of Gram Panchayats so that no Resolution for 'No Confidence' for such Adhyaksha/Upadhyaksha can be moved even by the minimum requisite number of half of the total Members of Gram Panchayats except on specific allegations of misuse or abuse of powers or corruption etc. as specified in **Section 49(2)** of the Act and therefore, section 49(2) of the Act with its non obstante Clause should actually be construed to be a further Proviso to be read in the scheme of **Section 49(1)** of the Act itself which provides for an initial moratorium period of 30 months under the second Proviso of Section 49(1) of the Act.

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4. *A similar contention has been raised by some of the petitioners also.*

5. *The learned Additional Advocate General has further produced before this Court a recent **Circular** issued by the Government of Karnataka dated **07/02/2018** only yesterday containing certain **guidelines regarding 'No Confidence Motions'** against Adhyaksha /Upadhyaksha of Gram Panchayats which is taken on record and a copy thereof has been supplied to the learned counsel for the petitioners also.*

6. *The learned Additional Advocate General is directed to file an Affidavit of the concerned Principal Secretary of the Panchayat Raj and Rural Development Department of the State Government for the aforesaid submissions made by the learned AAG for the Respondent State within a period of one week from today.*

7. *The aforesaid Additional Affidavit should also state the stand on behalf of the State as to whether the Guidelines*

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enumerated in the said **Circular** dated **07/02/2018** which envisage a kind of summary inquiry to be held at the level of the Executive Officer of Taluk Panchayat and submit a factual Report about the allegations to the Assistant Commissioner within one week and such Guidelines having not been admittedly applied in the cases involved in the present writ petitions in which 'No Confidence Motion' has been taken up at the behest of the requisite number of Members of the Gram Panchayat and under interim order granted by this Court, the Meeting of Gram Panchayat has also been held and as per the Report submitted by the learned Government counsel today in the cases of 20 such Gram Panchayats, thus almost in all the cases, such 'No Confidence' motions have been carried out by the requisite majority and thus resulting in the vacation of the respective Offices of the Adhyaksha/Upadhyaksha of the concerned Gram Panchayats under Section 49(1) of the Act. The question is, whether the Guidelines in the Circular dated

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07/02/2018 can be applied retrospectively for these proceedings involved in the present writ petitions or not and what is the stand of the State Government in this regard.

8. In the said Circular dated **07/02/2018**, it is also stated that the proposal to amend the relevant Rules namely, **Karnataka Panchayat Raj (Motion of No Confidence Against Adhyaksha and Upadhyaksha of Gram Panchayat) Rules, 1994** in consonance with the amendment effected by **Act No.44 of 2015** is also under consideration by the State Government, therefore, the State Government may also take a stand before the Court as to whether such an amendment in the **Rules of 1994** has been effected by them or not and the status of the process for such amendments to be effected and the possible time likely to be taken by them for such amendment in the Rules.

9. The learned Additional Advocate General is therefore directed to file an Affidavit of the concerned Principal Secretary

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*on or before the next date of hearing, on **22-02-2018.***

10. *The learned Additional Advocate General is also directed to further produce on record the copy of the summary of the Proceedings/Resolution passed in the Meetings of the Gram Panchayats involved in the present batch of writ petitions before this Court along with a Chart showing the position of the Motion of 'No confidence' carried out or not with the copies of the relevant proceedings of the said Meetings before this Court along with the aforesaid Affidavit, with their English translations.*

11. *This Court in this case had already passed an interim order to the effect that the said Meeting for consideration of the said Motion for **'No confidence'** be held and motion be considered by the Members of the Gram Panchayat on the scheduled date as already notified and the result of the said Meeting and the Resolution may be placed before the Court in a sealed cover which have been received by the learned Government*

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*Counsel today and one such Resolution in the case of **Yeraballi Gram Panchayat** was read before this Court. Since the same is in vernacular language, which is not understood by this Court, the learned Government counsel is directed to produce the copies of the Proceedings of all the Meetings along with the translated copies of the said Minutes on the next date of hearing.*

12. *The interim order has already been passed by this Court on **18/01/2018** that the effect of such Resolution will be given subject to further orders by this Court.*

13. *After hearing the learned counsels today at length, it is found appropriate that the Resolution of 'No confidence' passed in the Gram Panchayat involved in the present writ petitions, **shall not be given effect to as of now and the status-quo as it existed prior to passing of the said Resolution shall be maintained by the concerned Gram Panchayat and this***

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status will remain subject to the final decision of the present writ petitions.

*14. Put up on **22-02-2018**, as prayed.”*

11. These writ petitions were finally heard on **22/02/2018** by this Court.

12. Having heard the learned counsels for the parties at length and having given earnest consideration to the rival submissions, this Court is of the opinion that **Section 49(2) of the Act** inserted by **Act No.44 of 2015** with effect from **31/12/2015** is a constitutionally valid and a sustainable provision and there is no ground or reason available to the petitioners to challenge the same as *ultra vires*. There is neither any lack of legislative competence nor the said provisions are found to be in conflict with or militating against any of the constitutional provisions nor the said provisions can be said to be violative of Article 14 of the Constitution of India.

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13. The said provisions on the other hand have very sound and reasonable basis and sub-section (2) of Section 49 of the Act as canvassed by both the sides before this Court is actually intended to provide a safeguard to the elected Offices of the Adhyaksha/ Upadhyaksha of Grama Panchayat and these provisions are intended to save the unnecessary throwing out of the elected persons from these Offices of the Adhyaksha Upadhyaksha without there being any case of specific allegations of misuse or abuse of power or authority, misappropriation of funds or corruption etc. against these elected persons.

14. The case undoubtedly calls for a harmonious interpretation of the said later on inserted provisions of Section 49(2) of the Act and that is what has been considered by this Court and the opinion of this Court is recorded below.

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15. The *non obstante* provisions of sub-section (2) of Section 49 of the Act which stipulates that notwithstanding anything contained in sub-section (1), no Resolution expressing want of confidence against an Adhyaksha/Upadhyaksha shall be moved except on specific allegation of misuse or abuse of power or authority, misappropriation of funds, corruption, etc., is actually intended to overcome the restriction of initial moratorium period of 30 months provided in the second Proviso and further restriction of two years in the Third Proviso to Section 49(1) of the Act.

16. The purpose of providing for special contingencies in Section 49(2) of the Act namely of misuse or abuse of power or Authority or misappropriation of funds, corruption etc., which contingencies can arise even in the initial period of elected persons to the Office of the Adhyaksha/Upadhyaksha, namely within 30 months of their

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election and to enable the Members to move for '**No Confidence Motion**' (NCM) even in entire period throughout their tenure, sub-section(2) has been inserted. The said safeguards of the Resolution to be moved by a minimum half of the Members of the Grama Panchayat and to be passed with minimum 2/3rd of the majority as per sub-section (1) continue even with a *non obstante* Clause in sub-section (2) of Section 49 of the Act.

17. The well settled Rules of Interpretation for interpreting a *non obstante* Clause is to provide for an overriding provision to override any repugnancy or inconsistency with the other provision, so that the provision with a *non obstante* Clause can have a preference over such other repugnancies or inconsistent provisions.

18. In the opinion of this Court, the provisions of sub-section (2) of Section 49 of the Act does not

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completely eclipse, supersede or override the entire provisions of sub-section (1) of Section 49, but the *non-obstante* Clause intends to override only restrictions of moratorium period of 30 months and two years respectively in Second and Third Proviso to Section 49(1) of the Act. It is to be harmoniously read as an adjunct and further Proviso to Section 49(1) of the Act to meet with the specific contingencies of misuse or abuse of power or authority, misappropriation of funds or corruption etc. where the Members of the Grama Panchayat can take up the motion for 'No Confidence' of such elected Adhyaksha/Upadhyaksha notwithstanding the restriction of initial moratorium period of 30 months or two years provided in Second and Third Proviso in sub-section 49(1) of the Act.

19. It is true that sub-section (2) may be construed as a further safeguard to the elected Adhyaksha/Upadhyaksha of Grama Panchayats and

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such Resolutions under Sub-section (2) can be moved only on the specific allegations of misuse or abuse of power or Authority, misappropriation of funds or corruption etc., but sub-section (2) does not dispense with Section 49(1) altogether and Section 49(2) of the Act, in the opinion of this Court, has to be read harmoniously with some reading down of sub-section (2) of Section 49 of the Act.

20. The provisions of Section 49(2) of the Act are however not very happily worded. The words “**no Resolution**” will have to be read contextually with the specified circumstances in the said provision, because there is always a strong presumption for the constitutionality of any legislative provision and if the provision can be sustained by a reading down of the provision or upon a harmonious interpretation thereof, the Courts would go for the later option, rather than striking down the provision itself.

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21. The words **“no Resolution”** just following the *non obstante* Clause in sub-section (2), which says, **“Notwithstanding anything contained in sub-section (1)”**, the words **‘no Resolution’** have to be read in the context of the specified contingencies envisaged in sub-section (2), namely, of misuse or abuse of power or authority, misappropriation of funds, corruption, etc.” Thus, whenever a Resolution or ‘No Confidence Motion’ has to be moved in specific circumstances under Section 49(2) of the Act, the allegations with regard to such circumstances have to be specific. Sub-section (2) however does not mean that in a usual and normal course, ‘No Resolution’ for ‘No Confidence’ in a normal democratic process envisaged under Section 49(1) without any allegations of misuse or abuse of power or authority or misappropriation of funds, corruption, etc., can never be moved at all and that every such Resolution under Section 49 of the Act has to be with

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specific allegations of misuse or abuse of power or authority or misappropriation of funds, corruption etc.

22. Sub-section (1) of Section 49 of the Act, subject to the safeguards of one half of the Members required to move it and the initial moratorium period of 30 months, envisages a normal '**No Confidence Motion**', if the Members of the Grama panchayat just lose their confidence in the elected Adhyaksha/Upadhyaksha of the Grama Panchayat. Therefore, without any allegation at all, after first 30 months, the one half Members of the Grama Panchayat can very well move a motion for expressing their 'No Confidence' against the elected Adhyaksha/Upadhyaksha and such a liberty given to these Members is not prohibited by the insertion of Section 49(2) of the Act.

23. Therefore, the words "**no Resolution**" employed in Section 49(2) of the Act has to be restricted to the contingencies envisaged and arising as stipulated

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in Section 49(2) of the Act itself, namely of abuse or misuse of power or authority or misappropriation of funds, corruption etc. Both the provisions in sub-section (1) and sub-section (2) of Section 49 therefore can co-exist and harmoniously construed, by a reading down of these words '**No Resolution**' in the context of contingencies specified in sub-section (2). That is what appears to be the real purpose of enacting and inserting sub-section (2) under Section 49 of the Act, in 2015.

24. The other words "**specific allegations**" are also required to be construed contextually in Section 49(2) of the Act, since the Rules of 1994 in this regard do not envisage any inquiry into such allegations and on the other hand, the consideration of such a motion even does not permit a debate on merits. On the basis of the specific allegations, there are other provisions in the Act for removal of the elected Adhyaksha/Upadhyaksha like Section 43-A of the Act and even

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normal criminal cases can be filed against them, if a specific case of corruption or misuse or abuse of power or authority or misappropriation of funds or corruption is made out. But Section 49 of the Act deals only with **'No Confidence Motions'** which is a normal democratic exercise envisaged and enacted under Section 49 of the Act to be exercised by the Members of the Gram Panchayat itself, who do not have any such investigation powers under the Act.

25. The argument of the learned counsel for the petitioners - Adhyaksha/Upadhyaksha that in the absence of any specific allegations, the motion itself should fail and the consideration of the same cannot be permitted, is devoid of merit, because the requirement of there being specific allegations for contingencies provided in Section 49(2) of the Act is only for the Assistant Commissioner to see whether to convene the Meeting of Members of the Grama Panchayat or not. It

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is not for any other purpose. No inquiry in the allegations, nor any formation of opinion or giving of any findings after hearing the concerned parties is envisaged in Section 49(2) of the Act. The recent **Circular** dated **07/02/2018** also only stipulates of giving of a Factual Report by the Executive Officer of Taluk Panchayat to assist the Assistant Commissioner to determine that the 'No Confidence Motion' falls within the parameters of Section 49(2) of the Act and he should convene the meeting of the Members of Grama Panchayat for that purpose or not. If there are no specific allegations, such a motion will fall under Section 49(1) of the Act and can be considered by the Members subject to restrictions under Section 49(1) of the Act.

26. The words "**specific allegations**" are intended to provide a further safety measure to the elected Adhyaksha/Upadhyaksha and they should not be ousted from the Office on vague/bald/false/wild

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allegations and therefore the Members who move for '**No confidence**' against such Adhyaksha/Upadhyaksha should narrate something specific alleging the misuse or abuse of power or authority or misappropriation of funds or corruption etc., as envisaged under Section 49(2) of the Act, but it is only for the Assistant Commissioner to look into the nature of allegations made and if he is satisfied that the motion falls within the parameters of Section 49(2) of the Act, then convene a meeting otherwise not. Section 49(2) of the Act does not compel the Assistant Commissioner to necessarily hold a meeting of the Members if such a motion is presented to him for convening such meeting. But however if he convenes such a meeting, then the Rules framed in this regard in 1994 do not envisage any further role for the Assistant Commissioner. He has to just read the motion in the meeting convened by him and then allow the Members to vote for the motion of

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'No confidence' without any debate as per the existing un-amended Rules.

27. If there are no specific allegations against the elected Adhyaksha/Upadhyaksha and such motion is moved under Section 49(2) of the Act, such a motion can only be treated as a 'No Confidence Motion' under Section 49(1) of the Act and has to meet the requirements of Section 49(1) of the Act viz. it has to be subject to the restriction under Section 49(1) of the Act including its Second and Third Proviso. The Assistant Commissioner can put such motion in the Meeting of the Members to be considered by them under Section 49(1) of the Act.

28. Once the Resolution or 'No Confidence Motion' under Section 49(2) of the Act is taken up for consideration by the Members, it is required to be passed as per the requirement of 2/3rd majority as per Section 49(1) of the Act only. The democratic process

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of removal from the Office of Adhyaksha/Upadhyaksha by passing of a '**No Confidence Motion**' by 2/3rd majority of total number of Members of Grama Panchayat under Section 49 of the Act is just contrary to the provisions of removal of Members provided in Section 43-A of the Act, where on the recommendation of the Grama Panchayat or otherwise, the State Government may remove any Member after giving him an opportunity of hearing and after such inquiry, as it deems necessary.

29. Section 43-A of the Act is also quoted below for ready reference.

“ 43-A. Removal of members. – (1) The Government if it thinks fit, on the recommendation of the Gram Panchayat, or otherwise, may remove any member after giving him an opportunity of being heard and after such enquiry as it deems necessary, -

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(i) if he has been guilty of misconduct in the discharge of duties or of any disgraceful conduct;

(ii) become incapable of performing duties as a member, or persistently remiss in performing duties;

(a) on being medically unfit to hold the post as may be certified by the district surgeon;

(b) as a result of insolvency or of unsound mind,

(iii) has failed to attend **four consecutive meetings of the panchayat**, and in the case of an Adhyaksha or Upadhyaksha, failed to convene two consecutive meetings which were either due or were necessary; or

(iv) if the member, **by coercion or fraud entice any voter or member of Gram Panchayat or Taluk Panchayat or Zilla Panchayat** as the case may be to trade

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the post of member or Adhyaksha or Upadhyaksha of Gram Panchayat or Taluk Panchayat or Zilla Panchayat, as the case may be, during election for a consideration.

*(v) in the execution of any work of the panchayat, **contractual or otherwise** found involved directly with any person **who is a nearest relative in the family or otherwise associated in any transaction** related to such work as a partner, employee or a member on the Committee of such organization, or otherwise.*

Explanation: *For the purpose of this section, nearest relative in the family means, -*

(a) the wife or husband of a person residing with her or him;

(b) son or daughter or step-son or step-daughter;

(c) any other person related, whether by blood or marriage who is wholly dependent on such person.

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(2)An Adhyaksha or Upadhyaksha or member so removed shall cease to function as such member and shall be disqualified from contesting election as provided in Sections 12 of the Act to any panchayat for the next six years.”

30. If a Member is removed from the Membership of Grama Panchayat, naturally he loses his right to remain Adhyaksha/Upadhyaksha of the said Grama Panchayat. The provisions of Section 43-A includes the Adhyaksha/Upadhyaksha of the Grama Panchayat also in their capacity as a Member of the Grama Panchayat.

31. The other provision in the Act with regard to removal from the Office in the Grama Panchayat is Section 48 of the Act which provides for Resignation or Removal of Adhyaksha/Upadhyaksha on the ground of proven physical or mental incapacity certified by a competent Authority or on the grounds of securing employment elsewhere.

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32. The said provisions of Section 48 are also quoted below for ready reference.

“48. Resignation or removal of Adhyaksha and Upadhyaksha. – (1) *The Adhyaksha of the Grama Panchayat may resign his office by writing under his hand addressed to the Assistant Commissioner and the Upadhyaksha of the Grama Panchayat may resign his office by writing under his hand addressed to the Adhyaksha and in absence of the Adhyaksha to the Assistant Commissioner.*

Provided that *Adhyaksha or Upadhyaksha of a Gram Panchayat shall resign his office of membership, or liable for removal. –*

- (i) on the grounds of proven physical or mental incapacity certified by a competent authority approved by the State Election Commission; or*
- (ii) on the grounds of securing employment in Central Government or State Government or public undertaking:*

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Provided further that the Assistant Commissioner shall enquire into the cause of resignation and satisfy that resignation has not been submitted under threat, coercion, undue influence and allurement and is submitted voluntarily:

Provided also that the Deputy Commissioner shall enquire after receipt of a complaint that resignation is submitted under threat, coercion, undue influence and allurement and is not submitted voluntarily, shall not accept such resignation.”

Thus, there are safeguards provided in all these provisions for removal of elected persons of Grama Panchayats.

33. Section 179 of the Act deals with resignation or removal of Adhyaksha and Upadhyaksha of Zilla Panchayats, but since the Court is presently concerned

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only with the cases of Grama Panchayats, those provisions and Sections are not quoted below.

34. Thus, Section 48 of the Act also envisages two situations of vacation of Office of Adhyaksha/Upadhyaksha, (i) by resignation, (ii) by removal on the ground of proven physical or mental incapacity or securing employment in the Central Government or State Government or Public Undertakings.

35. Section 51 of the Act talks of casual vacancies in the Office of the Adhyaksha/Upadhyaksha or Member of the Grama Panchayat.

36. Thus, Section 49 providing for vacation of the Office of Adhyaksha/Upadhyaksha of a Grama Panchayat is the only provision providing for a democratic process to be undertaken by the Members of the Grama Panchayat on their own without any formal inquiry against such Adhyaksha/Upadhyaksha and just because if the Members lose confidence or faith in the

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Adhyaksha/Upadhyaksha elected by themselves upon the requisite conditions specified, they can move such a Resolution for '**No confidence**' and if such a Resolution is passed by a majority of 2/3rd of the total number of Members, such Adhyaksha/Upadhyaksha shall be deemed to have forthwith vacated his Office.

37. On a conjoint, combined and harmonious reading of Section 49(1) of the Act, the following conclusions can be deduced:-

(I) Notice for such Resolutions can be moved only by one half of the total number of Members after a ten days' notice.

(II) No such '**No Confidence Motion**' can be moved against Adhyaksha/Upadhyaksha within the first 30 months from the date of their election except under the specified circumstances under Section 49(2) of the Act.

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(III) Where such a **'No Confidence Motion'** has failed once, a similar Resolution for **'No Confidence'** against them cannot be moved within two years from the said failure, except under the specified circumstances under Section 49(2) of the Act;

(IV) No Resolution, overriding the aforesaid period of restrictions provided in Second and Third Proviso of sub-section (1) can be moved unless they contain specific allegations of misuse or abuse of power or authority or misappropriation of funds or corruption, etc., as per Section 49(2) of the Act.

(V) A motion for **'No Confidence'** under sub-section (2) of Section 49 of the Act though can be moved on specific grounds only, ultimately remains a **'No confidence motion'** to be considered by all the Members of the Grama Panchayat and it remains subject to mode and method for its consideration as per sub-section (1) viz. that is also is required to be moved

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by one half or more of the total number of Members and is required to be passed by more than 2/3rd of the total number of Members in order to become operative and effective.

(VI) The restriction provided in Second and Third Proviso of Section 49(1) of the Act, namely, the initial moratorium period of 30 months and restriction of two years, if once such motion fails is the only thing intended to be overridden by the *non obstante* Clause of Section 49(2) of the Act.

(VII) In other words, in the specified circumstances in Section 49 (2) of the Act, such a motion can be moved even within 30 months of the election to their Office and even within two years of the previous failure of one such Resolution.

(VIII) This is the purpose for providing a *non obstante* Clause in sub-section (2) of Section 49 of the Act, because the contingencies provided for removing

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Adhyaksha/Upadhyaksha and in resorting to sub-section (2) are of grave nature and in the cases of misuse or abuse of power or authority or misappropriation of funds or corruption, etc. by the elected Adhyaksha/Upadhyaksha, the Members need not wait for the restrictions of periods envisaged in Second and Third Proviso of Section 49(1) of the Act, namely for a period of 30 months and two years respectively and on the specific allegations of misuse or abuse of power or authority or misappropriation of funds or corruption, etc. they can resort to Section 49(2) of the Act and pass such Resolution with 2/3rd majority.

(IX) The purpose is obvious that if an elected Adhyaksha/Upadhyaksha is found to be indulging in corrupt activities or misuse or abuse of power or authority, he/she should not be tolerated necessarily by the mandate of law for a period of 30 months or for the next two years. If the Members can make the specific

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allegations against him/her, notwithstanding the restrictions contained in Second and Third Proviso of Section 49(1) of the Act, they can resort to Section 49(2) of the Act and move such a 'No Confidence Motion'. It is the restrictions envisaged in the Second and Third Provisos of Section 49(1) of the Act which are sought to be overridden by the *non obstante* Clause at the beginning of the Section 49 (2) of the Act.

(X) If a motion for No-Confidence even though moved under Section 49(2) of the Act does not contain specific allegations against the elected Adhyaksha/Upadhyaksha of a Grama Panchayat, such a motion will fall under Section 49(1) and shall be subject to the restriction prescribed under Section 49(1) of the Act and can be considered by the Members under Section 49(1) of the Act.

38. In the considered opinion of this Court, the aforesaid interpretation can be given to Section 49(1)

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and 49(2) of the Act, making a harmonious reading of the two sub-sections of Section 49, providing for a democratic way out for the Members for expressing their **'No Confidence'** in the elected Adhyaksha/Upadhyaksha and with the votes of the 2/3rd of the total number of Members, they can resort to such democratic process of expressing their **'No Confidence'** and removing the elected Adhyaksha/Upadhyaksha from their Office under Section 49 of the Act.

39. Section 49 of the Act does not envisage any inquiry into the allegations either by the Members of the Grama Panchayat or by the Government Authority like the Assistant Commissioner who is empowered to convene the meeting as per Rules of 1994. The Guidelines laid down in the **Circular** dated **07/02/2018** envisaging a Factual Report from the Executive Officer of the Taluk Panchayat as assigned to him by the Assistant Commissioner is also to verify

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whether the motion moved under Section 49(2) of the Act falls within the parameters of Section 49(2) of the Act or not and as to whether Members have made specific allegations of misuse or abuse of power or authority or misappropriation of funds or corruption, etc. against the elected Adhyaksha/Upadhyaksha or not for the Assistant Commissioner to decide as to whether the Meeting of all the Members of the Grama Panchayat for consideration of 'No Confidence Motion' has to be convened or not or whether such 'No Confidence Motion' can be put for consideration as motion under Section 49(1) of the Act, subject to restrictions provided under Section 49(1) of the Act.

40. The basic or cursory inquiry into the contents of Notice or Motion of the one half of the Members for giving the Factual Report by the Executive Officer of Taluk Panchayat does not envisage any Bi-partite inquiry or the kind of inquiry, as is envisaged in Section 43-A or Section 48 of the Act quoted above. Such inquiry is only to

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submit the Factual Report as to whether the motion moved by the Members falls within the parameters of Section 49(1) or 49(2) of the Act and once such an opinion that it does so fall within the scope of Section 49(1) or 49(2) of the Act, is formed by the Assistant Commissioner, he has no option but to call the meeting of the Members of the Grama Panchayat, subject to the restrictions if motion falls under Section 49(1) of the Act and without such restrictions if motion falls under Section 49(2) of the Act.

In such conduct of meeting of Members, even if the elected Adhyaksha/Upadhyaksha against whom such 'No Confidence Motion' is moved may try to explain his position and try to convince the Members not to pass such a 'No Confidence Motion' against him/her, it is for the concerned Members to take their decision in the matter and once the Assistant Commissioner puts the motion to vote and if 2/3rd of the majority of Members pass such '**No Confidence Motion**', such elected Adhyaksha/

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Upadhyaksha will be deemed to have been removed from the Office of the Adhyaksha/ Upadhyaksha forthwith.

40. The democratic way of removing the elected persons from the Office by expression of 'No Confidence' in them is the essential feature of any democracy and therefore such elected persons cannot seek a permanent or a tenure fixation to their elected Offices, even if the majority of the Members electing them to that office, lose their confidence in them and intend to remove them just by count of heads or votes. The majority rule or the Numbers game is *qui vive* of the Democracy.

41. The Hon'ble Supreme Court expressed such an opinion, discussing the various previous precedents in this regard referring to some of the elected Offices in Indian Polity and also elected Office Bearers of the Bar Councils as well as the Grama Panchayats in the case of **Vipulbhai M. Chaudhary Vs. Gujarat Cooperative Milk Marketing Federation Limited and others (2015) 8 SCC 1** and went on to the extent of holding that even if there is

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no express provision regarding expressing '**No Confidence**', once the Co-operative Society is conferred with a constitutional status, it should rise to the constitutional aspirations as a democratic Institution and such a process of 'No Confidence' should be allowed to be carried on even in such Cooperative Societies also. It would be appropriate to quote Paragraphs 20 to 24 of the said judgment which also includes and cites the three previous Supreme Court judgments in different circumstances of this nature.

*"20. If a person has been selected to an office through democratic process, and **when that person loses the confidence of the representatives who selected him**, those representatives should necessarily have a **democratic right to remove** such an office-bearer in **whom they do not have confidence**, in case those institutions are viewed under the Constitution/statutes **as democratic institutions**.*

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21. In **Bhanumati case (2010) 12 SCC 1**, at para 67, this Court elaborated on this principles: (SCC p.20)

“67. **Any head of a democratic institution must be prepared to face the test of confidence.** Neither the democratically elected **Prime Minister** of the country nor the **Chief Minister** of a State is immune from such a test of confidence under the Rules of Procedure framed under Articles 118 and 208 of the Constitution. Both the Prime Minister of India and Chief Ministers of several States heading the Council of Ministers at the Center and in several States respectively have to adhere to the principles of collective responsibilities to their respective houses in accordance with **Articles 75(3) and 164(2) of the Constitution**”.

22. In **Pratap Chandra Mehta case (2011) 9 SCC 573**, at para 45, the principles

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has been discussed as follows: (SCC pp. 600-01)

“45. In the instant case, the election process as contemplated under the relevant laws is that the **members of a State Bar Council** are elected by the electorate of advocates on the rolls of the State Bar Council from amongst the electorate itself. The elected members then elect a **Chairman, a Vice-Chairman and the Treasurer of the State Bar Council** as well as constitute various committees for carrying out different purposes under the provisions of the Advocates Act. In other words, the body which elects the Chairman or Vice-Chairman of a State Bar Council always consists of members elected to that Council. The democratic principles would require that a person who attains the position of a Chairman or Vice-Chairman, as the case may be, **could be removed by the same electorate or smaller body** which elected them to that position

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by taking recourse to a 'no-confidence motion' and in accordance with the Rules. The body that elects a person to such a position **would and ought to have the right to oust him/her from that post, in the event the majority members of the body do not support** the said person at that time. Even if, for the sake of argument, it is taken that this may not be generally true, the provisions of Rule 122-A of the M.P. Rules make it clear, beyond doubt, that a 'no-confidence motion' can be brought against the elected Chairman provided the conditions stated in the said Rules are satisfied".

23. In **Usha Bharti case** also (2014) 7 SCC 663, this Court eloquently held at para 53 as follows: (SCC p. 693)

"53. In our opinion, the provision for removing an **elected representative such as Panchayat Adhyaksha is of fundamental importance to ensure**

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the democratic functioning of the Institution as well as to ensure the transparency and accountability in the functions performed by the elected representatives’.

24. No doubt, in the cases referred to above, the respective Acts contained a provision regarding no confidence. **What about a situation where there is no express provision regarding no confidence?** Once the cooperative society is conferred a **constitutional status, it should rise to the constitutional aspirations** as a democratic institution. So, it is for the respective legislative bodies to ensure that here is democratic functioning. **When the Constitution is eloquent, the laws made thereunder cannot be silent.** If the statutes is silent or imprecise on the requirements under the Constitution, **it is for the court to read the constitutional mandate into the provisions concerned and declare it accordingly.** Article 243-ZT has given a period of one year to frame/reframe the statutes in consonance with

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Part-IX-B and thereafter i.e., with effect from 12-1-2013, those provisions which are inconsistent with Part IX-B, cease to operate.”

43. As noted above, in all the writ petitions which are being disposed of by this common judgment, except two writ petitions, in which the meetings of Grama Panchayats could not be held, the Resolution for 'No Confidence' against the elected Adhyaksha/ Upadhyaksha has been carried out by a majority of 2/3rd or more of the Members of the concerned Grama Panchayat. Since these motions were moved and meetings were held prior to **07/02/2018** before the aforesaid **Circular** was issued by the Government. There is no doubt that the said **Circular** could not have been given a retrospective effect, therefore the Factual Report as per **Circular** dated **07/02/2018** about the nature of the allegations could not have been given in these cases but nonetheless the motions so moved under Section 49(2) of the Act on the allegations of misuse or abuse of power or authority or misappropriation of funds or corruption etc. cannot be held to be *void* or

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non est, because, as noted above, the words '**specific allegation**' will have to be read contextually and in the absence of even specific allegations, such No Confidence Motions or Resolutions though moved under Section 49(2) of the Act can be construed as the Resolutions moved and passed under Section 49(1) of the Act. Such democratic process having been carried out and the required majority number of Members having already passed '**No Confidence Motion**' against the elected Adhyaksha/Upadhyaksha, who are the petitioners before this Court, such Resolutions and motions cannot be quashed by this Court.

44. The Court cannot go into the nature of allegations at all under Section 49(2) of the Act and even if the allegations are not specific, the process of '**No Confidence**' will be deemed to be moved and carried out under Section 49(1) of the Act and the same cannot be said to be suffering from a fatal vice, if Section 49 (1) and 49 (2) of the Act are harmoniously read in a conjoint

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manner and not in water tight compartments. There is no case set up by the petitioners that the 'No Confidence Motion', in the present case do not meet the restrictions under Section 49(1) of the Act.

45. This Court therefore cannot interfere with the impugned motions or Notices of meetings and the Resolutions passed in such meetings against the elected Adhyakshas/Upadhyakshas in the present writ petitions and the writ petitions, therefore, deserve to be disposed of without any interference by this Court.

46. The present writ petitions are accordingly disposed of. Accordingly, the IAs filed by some of the Members seeking impleadment are also rendered infructuous and are disposed of accordingly.

47. For the two writ petitions, viz. **W.P.No.3434/2018** and **W.P.No.3435/2018**, in which the meeting could not be held in terms of the *ex-parte* interim orders granted by this Court, staying the operation of the notices of the Assistant Commissioner himself,

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those writ petitions are also disposed of and by vacating the said *ad-interim* orders and now allowing the Grama Panchayats to go ahead with the meetings to be notified afresh by the Assistant Commissioner in accordance with the **Circular** dated **07/02/2018** in accordance with the aforesaid interpretation given by this Court.

48. For the writ petitions in which notice for '**No Confidence Motion**'(NCM) is moved after **07/02/2018** also, the Assistant Commissioner shall proceed further in the manner indicated above.

49. With these observations and directions, the present writ petitions are disposed of. No costs.

**Sd/-
JUDGE**

BMV*