

IN THE HIGH COURT OF KARNATAKA  
KALABURAGI BENCH

DATED THIS THE 29<sup>TH</sup> DAY OF AUGUST 2018

PRESENT

**THE HON'BLE MR. JUSTICE L.NARAYANA SWAMY**

**AND**

**THE HON'BLE MR. JUSTICE K.N.PHANEENDRA**

**WRIT APPEAL No.200611/2018**

**BETWEEN:**

VIJAYAKUMAR S/O HANAMANTRAO MASKALLE  
AGE: 42 YEARS OCC: AGRICULTURE & PRESIDENT  
GRAM PANCHAYAT JAMBAGI  
R/O: VALLEPUR TQ: AURAD  
DIST: BIDAR-585326.

**...APPELLANT**

**(BY SRI.GOURISH.S.KHASHAMPUR, ADVOCATE)**

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF PANCHAYAT RAJ  
AND RURAL DEVELOPMENT, VIKASA SOUDHA  
BANGALORE-560 001.

2. THE DEPUTY COMMISSIONER  
BIDAR-585401.
3. THE ASSISTANT COMMISSIONER BIDAR  
DIST: BIDAR-585401.
4. THE EXECUTIVE OFFICER TALUKA PANCHAYAT  
AURAD (B), TQ: AURAD (B)  
DIST: BIDAR-585326.
5. PANCHAYAT DEVELOPMENT OFFICER  
GRAM PANCHAYAT, JAMBAGI (B)  
TQ: AURAD DIST: BIDAR-585326.
6. AMBADAS S/O MARUTI  
AGE: 30 YEARS OCC: PANCHAYAT MEMBER  
R/O: JAMBAGI (B) TQ: AURAD  
DIST: BIDAR-585326.
7. ANAND S/O SHIVAPPA  
AGE: 50 YEARS OCC: PANCHAYAT MEMBER  
R/O: JAMBAGI (B) TQ: AURAD  
DIST: BIDAR-585326.
8. ANITA W/O SHIVAJI  
AGE: 30 YEARS OCC: PANCHAYAT MEMBER  
R/O: JAMBAGI (B) TQ: AURAD DIST: BIDAR.
9. CHANDRAMMA W/O MARUTI  
AGE: 65 YEARS OCC: PANCHAYAT MEMBER  
R/O: JAMBAGI (B) TQ: AURAD DIST: BIDAR-585326.
10. SHESHARAV S/O NARAYANA  
AGE: 30 YEARS OCC: PANCHAYAT MEMBER  
R/O: GRAMA TANDA (B)  
TQ: AURAD DIST: BIDAR-585326.

11. JANABAI W/O LOKA  
AGE: 55 YEARS OCC: PANCHAYAT MEMBER  
R/O: PUMA TANDA (B)  
TQ: AURAD DIST: BIDAR-585326.
12. KALAVATI W/O PRAHALAD  
AGE: 50 YEARS OCC: PANCHAYAT MEMBER  
R/O: KARVAR TANDA (B)  
TQ: AURAD DIST: BIDAR-585326.
13. SHANTABAI W/O MOHAN  
AGE: 40 YEARS OCC: PANCHAYAT MEMBER  
R/O: VIJAYANAGAR TANDA (B)  
TQ: AURAD DIST: BIDAR-585326.
14. VISHWANATH S/O ADEPPA  
AGE: 50 YEARS OCC: PANCHAYAT MEMBER  
R/O: MAHARAJ VADI (B)  
TQ: AURAD DIST: BIDAR-585326.
15. RADHIKA W/O JITENDRA  
AGE: 35 YEARS OCC: PANCHAYAT MEMBER  
R/O: KANDAGOL (B)  
TQ: AURAD DIST: BIDAR-585326.
16. MALIAPPA S/O BASAPPA  
AGE: 40 YEARS OCC: PANCHAYAT MEMBER  
R/O: KANDAGOL (B)  
TQ: AURAD DIST: BIDAR-585326.
17. SHOBHA W/O SHARANAPPA  
AGE: 35 YEARS OCC: PANCHAYAT MEMBER  
R/O: VALLEPUR (B)  
TQ: AURAD DIST: BIDAR-585326.

18. DHANRAJ S/O KALAGOD  
AGE: 30 YEARS OCC: PANCHAYAT MEMBER  
R/O: KANDAGOL (B) TQ: AURAD  
DIST: BIDAR-585326.

**...RESPONDENTS**

**(BY SRI.K.M.GHATE, AGA FOR R1 TO 3  
BY SRI.AMEET KUMAR DESHPANDE, ADV., FOR R8)**

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF HIGH COURT ACT, PRAYING TO ALLOW THE ABOVE WRIT APPEAL AND BE PLEASED TO SET-ASIDE THE ORDER DATED: 21.08.2018 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO.202789/2018.

THIS APPEAL COMING ON FOR HEARING – INTERLOCUTORY APPLICATION, THIS DAY, **NARAYANA SWAMY J.**, DELIVERED THE FOLLOWING:

### **JUDGMENT**

Learned Additional Government Advocate takes notice for the respondents.

2. Issuance of no confidence notice was challenged in W.P.No.202789/2018 before the learned Single Judge, and the learned Single Judge has issued notice to the respondents.

3. This appeal is filed against non-consideration of the interim prayer by the learned single Judge.

4. Heard the learned counsel for the appellant and the learned Additional Government Advocate for the respondents.

5. Learned counsel for the appellant submits that, in similar circumstances, the Principal Bench of this Court in W.A.No.844/2018 vide order dated 05.03.2018 has stayed the resolution. However, the no confidence motion was directed to be proceeded further. For convenience, the interim order granted by the Principal Bench, is extracted hereinbelow:

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

6. Learned counsel for the appellant also submits that, in the instant case also, since respondent No.3 has issued notice for no confidence motion, the same is in contradiction of Section 49(2) of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 read with Rule 3(2) of the Karnataka Panchayat Raj (Motion of No-Confidence against Adhyaksha and Upadhyaksha of Grama panchayat) Rules, 1994.

7. In view of the above, this appeal stands disposed of. However, it is made clear that, the resolution of no confidence is subject to the result of the writ petition pending. Consequently, IA.III/2018 also stands disposed of.

Copy of this order to be provided to the learned  
Additional Government Advocate.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**

KJJ