

IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH

DATED THIS THE 29TH 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.200640/2018

BETWEEN

MEENAKSHI
W/O BASWATHRAYA
AGED ABOUT 41 YEARS
OCC: ADAKSHYA
GRAM PANCHAYAT, HALLISALGAR
R/O HALLISALGAR, TQ: ALAND
DIST: KALABURAGI

... APPELLANT

(BY SRI HARSHAVARDHAN R. MALIPATIL, ADVOCATE)

AND

1. STATE OF KARNATAKA
DEPARTMENT OF PANCHAYAT RAJ
VIDHAN SOUDHA
BENGALURU – 560 001
2. THE DEPUTY COMMISSIONER
KALABURAGI – 585 102
3. THE ASSISTANT COMMISSIONER
KALABURAGI – 585 102

4. THE EXECUTIVE OFFICER
TALUKA PANCHAYAT, ALAND
DIST: KALABURAGI – 585 102

... RESPONDENTS

(SRI K.M. GHATE, AGA FOR R1 TO R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO, ALLOW THIS APPEAL AND MODIFY THE ORDER OF THE LEARNED SINGLE JUDGE DATED 28.08.2018 IN W.P.NO.202858/2018 AND ALLOW THE INTERIM PRAYER OF THE APPELLANT IN SAID W.P. GRANTING STAY OF ALL FURTHER PROCEEDINGS IN PURSUANCE OF NOTICE OF RESPONDENT NO.3 DATED 14.08.2018 BEARING NO.ELECTION/37/2018-19.

THIS APPEAL COMING ON FOR ORDERS, THIS DAY, **NARAYANA SWAMY J.**, DELIVERED THE FOLLOWING:

JUDGMENT

Learned Additional Government Advocate takes notice for respondent Nos.1 to 3.

2. Issuance of no confidence notice was challenged in W.P. No.202858/2018 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.II/2018 also stands disposed of.

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

**Sd/-
JUDGE**

**Sd/-
JUDGE**

LG