



IN THE HIGH COURT OF KARNATAKA,AT DHARWAD

DATED THIS THE 28TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO.100181 OF 2025 (LB-ELE)

BETWEEN:

1. SRI. SURESH,
S/O MALLAPPA SAVALAGI,
AGE. 45 YEARS, OCC. MEMBER OF
MADLUR GRAM PANCHAYAT,
2. SRI. IRAIAH,
S/O RUDRAIAH HIREMATH
AGE. 46 YEARS, OCC. MEMBER OF
MADLUR GRAM PANCHAYAT,
3. SRI. SANNANINGAPPA
S/O FAKIRAPPA PANCHINAVAR
AGE. 40 YEARS, OCC. MEMBER OF
MADLUR GRAM PANCHAYAT,
4. SRI. PRAKASH,
S/O YALLAPPA KALLED
AGE. 48 YEARS, OCC. MEMBER OF
MADLUR GRAM PANCHAYAT,

ALL ARE R/O MADLUR, TQ. YARAGATTI,
DIST. BELAGAVI-591 126.

...APPELLANTS

(BY SRI. SADIQ N. GOODWALA, ADVOCATE)



A N D :

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
PANCHAYAT RAJ DEPARTMENT,
3RD FLOOR, M.S. BUILDING,
BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER,
BELAGAVI DISTRICT,
BELAGAVI-590 001.
3. THE ASSISTANT COMMISSIONER,
BAILHONGAL SUB-DIVISION,
BAILHONGAL,
DIST. BELAGAVI-591 101.
4. THE PANCHAYAT DEVELOPMENT OFFICER,
GRAM PANCHAYAT MADLUR,
TQ. SAUNDATTI,
DIST. BELAGAVI-591 126.
5. THE ELECTION/RETURNING OFFICER,
MADLUR GRAM PANCHAYAT,
ADHYAKSHA/UPDYAKSHA
AND ASSISTANT DIRECTOR OF AGRICULTURE,
SAUNDATTI,
DIST. BELAGAVI-591 126.

...RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA FOR R1-R3
SRI. SHIVARAJ HIREMATH, ADVOCATE FOR R4-R5)

THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER
DATED 20-02-2025 PASSED BY LEARNED SINGLE JUDGE IN WP
NO.101328/2025 BY ALLOWING THE APPEAL, IN THE INTEREST
OF JUSTICE AND EQUITY.



THIS WRIT APPEAL COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

This writ appeal filed under Section 4 of the Karnataka High Court Act, 1961, by the petitioners before the learned Single Judge in W.P. No.101328/2025, is directed against the portion of the order dated 25.02.2025 passed in the said writ petition directing the Additional Registrar Judicial of this Court to initiate necessary proceedings against the petitioners in terms of Section 340 of the Indian Penal Code, now Section 379 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. Heard Sri. Sadiq N.Goodwala, learned counsel for the appellants and Sri. Sharad V.Magadum, learned Additional Government Advocate for respondents No.1 to 3.

3. The petitioners approached this Court questioning the notice dated 15.02.2025 fixing the meeting on 21.02.2025 of the 'no confidence' proceedings on the ground that there was no



clear seven days' notice. Accepting the said contention of the petitioners, this Court by order dated 20.02.2025 allowed the writ petition quashing the notice dated 15.02.2025. Subsequently, learned Additional Government Advocate moved the matter for "Being Spoken To" which was listed before the learned Single Judge on 25.02.2025 and, on the said date, it was brought to the notice of the learned Single Judge that the notice had been issued on 12.02.2025 fixing the date of meeting to move 'no-confidence' motion on 21.02.2025, and the said notice was served on the mother of the petitioner on 12.02.2025 itself. The learned Single Judge was of the opinion that notice issued on 12.02.2025 was suppressed resulting in misleading the Court, and therefore, ordered initiation of proceedings under Section 340 of IPC, now Section 379 of BNSS.

4. Sri. Sadiq N.Goodwala, learned counsel for the appellants submits that the appellants/petitioners had no intention of misleading the Court and he further submits that, as observed by the learned Single Judge, notice was served on the mother of the petitioner on 12.02.2025 itself, which the mother had not informed the appellants/petitioners. In that



circumstances, learned counsel for the appellants would submit that the observation of the learned Single Judge to initiate proceedings against the petitioners be deleted. Further, learned counsel for the appellants has filed an affidavit of the appellant dated 28.11.2025, stating that non-bringing of relevant facts by the deponents is not deliberate and have sought apology undertaking that they shall not repeat the same.

5. We have given our thoughtful consideration to the submission made by the learned counsel for the appellants, Sri. Sadiq N.Goodwala.

6. As observed by the learned Single Judge, notice dated 12.02.2025 was served on the mother of the petitioners on 12.02.2025 itself. Whether mother informed the petitioners about the notice or not is not known, and in the above circumstances, the statement made by the learned counsel for the appellants that mother had not informed about the receipt of the notice is to be believed. Moreover, the appellants have filed an affidavit stating that not bringing to the notice of this Court about the notice dated 12.02.2025 was not a deliberate one, and have sought apology undertaking that they would not repeat the



same. The said undertaking affidavit is taken on record. Further, each of the appellants undertake to pay Rs.20,000/- to the High Court Legal Services Committee, Dharwad Bench, Dharwad and accordingly they have paid Rs.20,000/- each i.e., Rs.80,000/- in total to the High Court Legal Services Committee, Dharwad Bench, Dharwad and have produced receipt dated 28.11.2025.

7. In the above circumstances, the order dated 25.02.2025 in W.P. No.101328/2025 is modified and the portion of the order directing the Additional Registrar Judicial of this Court to initiate necessary proceedings against the petitioners in terms of Section 340 of IPC, now Section 379 of the BNSS is deleted. Accordingly, the writ appeal stands disposed of.

Pending interlocutory applications, if any, stand disposed of as not surviving for consideration.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**