

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT APPEAL NO.207 OF 2025 (LB-RES)

C/W

WRIT PETITION NO.19571 OF 2025 (LB-RES)

WRIT PETITION NO.20174 OF 2025 (LB-RES)

WRIT PETITION NO.4557 OF 2025 (LB-RES)

IN WA NO.207/2025:

BETWEEN:

SMT. VEENA T
AGED ABOUT 34 YEARS
W/O KUMARA SWAMY R
PRESIDENT
THIPPASANDRA GRAMA PANCHAYAT
RASTE PALLY VILLAGE,
TALEKERE DHAKALE
BAGINAGERE POST,
MAGADI TALUK,
RAMANAGARA DISTRICT 562 131.

...APPELLANT

(BY SRI. ANDANAPPA GURAPPA BALLOLLI, ADVOCATE)

AND:

1 . STATE OF KARNATAKA
BY IT'S SECRETARY
REVENUE DEPARTMENT
DEPARTMENT OF PANCHAYAT RAJ
AND RURAL DEVELOPMENT
DR. B. R. AMBEDKAR VEEDHI
M.S. BUILDING,

BANGALORE 560001.

- 2 . THE ASSISTANT COMMISSIONER
RAMANAGARA SUB-DIVISION
RAMANAGAR TALUK
ADMINISTRATIVE OFFICE
1ST FLOOR,
B M ROAD,
RAMANAGAR.
- 3 . THE THIPPSANDRA GRAM PANCHAYATH
REP. BY PANCHAYATH DEVELOPMENT OFFICER
THIPPASANDRA VILLAGE
MAGADI TALUK
RAMNAGAR DIST.
- 4 . JAYAMMA
AGED ABOUT 65 YEARS
W/O LATE NAGARAJU
MEMBER OF GRAMA PANCHAYATH
TIPPASANDRA POST
TIPPASANDRA HOBLI
MAGADI TALUK
RAMANAGAR.
- 5 . GANGAMMA
AGED ABOUT 60 YEARS
W/O LATE RANGASWAMY
MEMBER OF GRAMA PANCHAYATH
THIGARALA PLAYA
TIPPASANDRA POST
TIPPASANDRA HOBLI
MAGADI TALUK
RAMANAGAR DISTRICT.
- 6 . GANGADHAR T B
AGED ABOUT 40 YEARS
S/O G BETTAYA
MEMBER OF GRAMA PANCHAYATH
TALAKERE DODDA
MUDEGERE POST
TIPPASANDRA HOBLI
MAGADI TALUK

RAMANAGAR DISTRICT.

- 7 . PRAKASH
AGED ABOUT 50 YEARS
S/O NAGAACHAR
MEMBER OF GRAMA PANCHAYATH
TIPPASANDRA
TIPPASANDRA POST
TIPPASANDRA HOBLI
MAGADI TALUK,
RAMANAGAR DISTRICT.
- 8 . RAGHU
AGED ABOUT 42 YEARS
S/O VENKATARAMANNA SHETTY
MEMBER OF GRAMA PANCHAYATH
TIPPASANDRA
TIPPASANDRA POST
TIPPASANDRA HOBLI
MAGADI TALUK,
RAMANAGAR DISTRICT.
- 9 . RATHANAMMA
AGED ABOUT 60 YEARS
W/O JAYARAMMAYAH
MEMBER OF GRAMA PANCHAYATH
RASTHE PLAYA
BAGINGERI POST
THIGARALA PLAYA
TIPPESANDRA HOBLI
MAGADI TALUK,
RAMANAGAR DISTRICT.
- 10 . RAMESH J S
AGED ABOUT 55 YEARS
S/O LATE NARAYANAPPA,
MEMBER OF GRAMA PANCHAYATH
GUDDAGOWRAPLAYA,
BAGINGERI POST,
TIPPESANDRA HOBLI,
MAGADI TALUK,
RAMANAGAR DISTRICT.

11. RAJU
AGED ABOUT 55 YEARS
S/O LATE YALLALLAKAYA
MEMBER OF GRAMA PANCHAYATH
BAGINGERI,
BAGINGERI POST
TIPPESANDRA HOBLI,
MAGADI TALUK
RAMANAGAR DISTRICT.
12. RAJESH B.
AGED ABOUT 44 YEARS,
S/O BETTAYA,
MEMBER OF GRAMA PANCHAYATH
GIGAGULURSANKIGATTA POST
TIPPESANDRA HOBLI
MAGADI TALUK
RAMANAGAR DISTRICT.
13. VENKATALAKSHAMMA
AGED ABOUT 60 YEARS,
W/O YERAYANNA
MEMBER OF GRAMA PANCHAYATH
BAGINGERI POST,
TIPPESANDRA HOBLI,
MAGADI TALUK
RAMANAGAR DISTRICT.
14. SWARASWATHAMMA K.H.,
AGED ABOUT 40 YEARS
W/O MANJUNATH P.D.
MEMBER OF GRAMA PANCHAYATH
PALAYADHAHALLIBISKUR POST,
TIPPESANDRA HOBLI,
MAGADI TALUK,
RAMANAGAR DISTRICT.
15. HUCAHEGOWDA
AGED ABOUT 55 YEARS,
S/O DASEGOWDA
MEMBER OF GRAMA PANCHAYATH
ANNESHASTRE PALYA
TIPPESANDRA POST

TIPPESANDRA HOBLI
MAGADI TALUK
RAMANAGAR DISTRICT.

...RESPONDENTS

(BY SMT. PRATIMA HONNAPURA, AAG A/W
SMT. MAMATHA SHETTY, AGA FOR R1 & R2;
R3 - SD;
SRI. CHANDRASHEKAR L., ADV. FOR R4 - R10;
R11, R12, R13, R14 & R15 - SD, UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, PRAYING TO ISSUE A SET ASIDE
WRIT IMPUGNED ORDER PASSED BY THE SINGLE JUDGE IN
WRIT PETITION NO.35255/2024 (LB-RES) ORDER DATED
31.01.2025 HON'BLE HIGH COURT OF KARNATAKA, BENGALURU
AND ETC.

IN WP NO.19571/2025:

BETWEEN:

SMT. RATHNAMMA
W/O SRI SHIVANNA,
AGED ABOUT 56 YEARS,
PRESIDENT,
ANNEGERE GRAM PANCHAYATH,
R/AT ANEGERE VILLAGE AND POST,
PANCHANAHALLI HOBLI,
KADUR TALUK - 577 182.
CHICKMAGALUR DIST.

...PETITIONER

(BY SRI. A.M.MAHESHWARAPPA, ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
DEPARTMENT OF PANCHAYATRAJ
AND RURAL DEVELOPMENT,
M S BUILDING,
BANGALORE 560 001.

REPRESENTED BY ITS PRINCIPAL SECRETARY.

- 2 . THE DEPUTY COMMISSIONER
CHICKMAGALUR DISTRICT.
CHICKMAGALUR - 577 101.

- 3 . THE ASST. COMMISSIONER
TARIKERE SUB-DIVISION,
TARIKERE 577 228.
CHICKMAGALURU DISTRICT.

- 4 . SRI DEVALA NAIK
S/O SRI SEVA NAIK
AGED ABOUT 53 YEARS

- 5 . SRI MANJUNATHA A G
S/O B V GUTHYAPPA
AGED ABOUT 55 YEARS

- 6 . SMT. M. SOWBHAGYA
W/O SRI NANJEGOWDA
AGED ABOUT 50 YEARS

ALL ARE R/AT ANEGERE VILLAGE AND POST,
PANCHANAHALLI HOBLI,
KADUR TALUK - 577 182.
CHICKMAGALUR DIST.

- 7 . SMT. LATHA M. S.
W/O SRI HARISH
AGED ABOUT 36 YEARS

8 . SMT. BHAGYAMMA
W/O SRI DHARMASHEKARAPPA
AGED ABOUT 47 YEARS

9 . SMT. POORNIMA A P
W/O SRI PREM KUMAR
AGED ABOUT 38 YEARS

10 . SRI NATARAJ M D
S/O SRI DHARMASHEKARAPPA
AGED ABOUT 40 YEARS

ALL ARE R/AT MUTHANEGERE VIL. AND PO,
PANCHANAHALLI HOBLI,
KADUR TALUK - 577 182.
CHICKMAGALUR DIST.

11 . SRI RAMESH NAIK M D
S/O SRI DEVALA NAIK,
AGED ABOUT 32 YEARS
R/AT M L THANDYA VILLAGE,
MUTHANEGERE POST
PANCHANAHALLI HOBLI,
KADUR TALUK - 577 182.
CHICKMAGALUR DIST.

12 . SRI N T MALLIKARJUN
S/O SRI THAMMAYYAPPA,
AGED ABOUT 43 YEARS,
R/AT NARAYANAPURA VILLAGE,
ANEGERE POST,
PANCHANAHALLI HOBLI,
KADUR TALUK - 577 182.
CHICKMAGALUR DIST.

13 . SMT. H K SAVITHA
W/O SRI RAVI KUMAR,
AGED ABOUT 40 YEARS,
R/AT DEVARA HOSAHALLI VILLAGE,
ANEGERE POST,
PANCHANAHALLI HOBLI,
KADUR TALUK - 577 182.
CHICKMAGALUR DIST.

RESPONDENT NO.4 TO 13 ARE
PRESENT MEMBERS OF
ANEGERE GRAM PANCHAYATH,
KADUR TALUK.

14. THE PANCHAYATH DEVELOPMENT OFFICER
ANEGERE PANCHAYATH
KADUR TALUK - 577 182.
CHICKMAGALUR DIST.

...RESPONDENTS

(BY SMT. PRATIMA HONNAPURA, AAG A/W
SMT. MAMATHA SHETTY, AGA FOR R1 & R3;
SRI. ASHOK N. NAYAK, ADV. FOR R14;

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227
OF CONSTITUTION OF INDIA, PRAYING TO QUASH THE LETTER
OF MEETING NOTICE FORM-2, VIDE NO.ALN-GRAPAN-
AVISHWASA-01/2025-26, DATED 24.06.2025 ISSUED BY
RESPONDENT NO.3 PRODUCED AS AT ANNEXURE-K TO THE
WRIT PETITION.

IN WP NO.20174/2025:

BETWEEN:

MR.SIDDANNA
S/O LATE MARANAYAKA
AGED ABOUT 51 YEARS
R/AT NO.08,
MADAMUTTENAHALLI
HUCHHAVVANAHALLI,
JAGALUR TALUK
DAVANAGERE 577 528.

...PETITIONER

(BY SRI. P.P.HEGDE, SR. COUNSEL FOR
SRI. VENKATESH SOMAREDDI, ADV.)

AND:

- 1 . THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF RURAL DEVELOPMENT
AND PANCHAYAT RAJ, 3RD GATE,
3RD FLOOR,
M S BUILDING,
BANGALORE-560 001.
- 2 . ASSISTANT COMMISSIONER
DAVANGERE SUB DIVISION
DAVANGERE DISTRICT 577 528.
- 3 . ANABURU GRAM PANCHAYAT
REPRESENTED BY PANCHAYAT
DEVELOPMENT OFFICER
ANABUR,
JAGALUR TALUK
DAVANGERE 577 528.
- 4 . MR.MALLIKARJUNA
S/O BASAVARAJAPPA,
AGED MAJOR,
R/O KANANAKATTE VILLAGE
JAGALUR TALUK,
DAVANAGERE DISTRICT-577 528.
- 5 . MR. SIDDAPPA H
S/O BIN HANUMANTHAPPA,
AGED MAJOR,
R/O JYOTHIPURA,
JAGALUR TALUK,
DAVANAGERE DISTRICT- 577 528.
- 6 . MR. M. M. NAGARAJ,
FATHER NAME NOT NONE,
AGED MAJOR,
R/O JYOTIPURA.

JAGALUR TALUK,
DAVANAGERE DISTRICT-577 528.

- 7 . MR. SHIVANNA,
FATHER NAME NOT NONE,
AGED MAJOR,
R/O HANUMAVVANAGTHI VILLAGE,
JAGALUR TALUK,
DAVANAGERE DISTRICT-577 528.
- 8 . MR. KRISHNA NAYAK
S/O GOPYANAYAK,
AGED MAJOR,
R/O GANDHINAGAR,
JAGALUR TALUK,
DAVANAGERE DISTRICT-577 528.
- 9 . MR. BHORAPPA,
FATHER NAME NOT NONE,
AGED MAJOR,
R/O DODDABOMMANAHALLI,
JAGALUR TALUK,
DAVANAGERE DISTRICT-577 528.
- 10 . MRS. KAMALA
W/O DODDARAPPA
AGED MAJOR,
R/O ANBUR GOLLARAHATTI,
JAGALUR TALUK,
DAVANAGERE DISTRICT-577 528.
- 11 . MRS.SHIVAMMA W/O JOGAPPA,
AGED MAJOR,
R/O ANBUR GOLLARAHATTI,
JAGALUR TALUK,
DAVANAGERE DISTRICT - 577528.
- 12 . MRS.SHIVALINGAMMA
W/O CHITHAPPA,
AGED MAJOR,
R/O ANABUR GOLLARAHATTI,
JAGALUR TALUK,

DAVANAGERE DISTRICT-577528.

- 13 . MRS. VANAIAKSHAMMA
W/O SHARANAPPA,
AGED MAJOR,
R/O DODDABOMMANAHALLI,
JAGALUR TALUK,
DAVANAGERE DISTRICT - 577528.
- 14 . MRS.AKKAMMA
W/O MALLESHA,
AGED MAJOR,
R/O THIMMALAPURA J
AGALUR TALUK,
DAVANAGERE DISTRICT-577528.
- 15 . MRS. SANNAGAMMA
W/O HANUMANTHAPPA,
AGED MAJOR,
R/O JAGALUR TALUK,
DAVANAGERE DISTRICT - 577528.
- 16 . MRS. NARAMMA,
FATHER NAME NOT NONE,
AGED MAJOR,
R/O JAGALUR TALUK,
DAVANAGERE DISTRICT-577528.
- 17 . MR. SOMASHEKAR B.L.,
FATHER NAME NOT NONE,
AGED MAJOR,
R/O ANBUR JAGALUR TALUK,
DAVANAGERE DISTRICT - 577528.
- 18 . MRS. JYOTHI
W/O RAVI,
AGED MAJOR,
R/O JYOTHIPURA JAGALUR TALUK,
DAVANAGERE DISTRICT-577528.
- 19 . MRS.MEENAKSHI BAI

W/O PEEKANAIIKA,
AGED MAJOR,
R/O BATAGARANAIIALLI,
JAGALUR TALUK,
DAVANGERE DISTRICT-577528.

20 . MRS. SOPHIA KAUSAR
W/O NOORUDDIN,
AGED MAJOR,
R/O GOGUDDU VILLAGE,
JAGALUR TALUK,
DAVANAGERE DISTRICT-577528.

...RESPONDENTS

(BY SMT. PRATIMA HONNAPURA, AAG A/W
SMT. MAMATHA SHETTY, AGA FOR R1 & R2;
SRI. N.K.JAGADEESHWARA, ADV. FOR R3;
V/C/O DT:9.7.25, NOTICE TO R4 TO R20 WAS DEFERRED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227
OF CONSTITUTION OF INDIA, PRAYING TO QUASH THE NOTICE
DATED 23-06-2025 ISSUED BY ASSISTANT COMMISSIONER,
TARIKERE SUBDIVISION, TARIKERE/RESPONDENT NO.2
BEARING NO. ELECTION:CR/26/2025-26 WHEREBY THE SECOND
RESPONDENT HAS CONVENED MEETING ON 11.07.2025 AT
11.00AM TO CONSIDER THE NO-CONFIDENCE MOTION MOVED
AGAINST THE PETITIONER/PRESIDENT OF NAGENAHALLI GRAMA
PANCHAYAT, VIDE ANNEXURE-A AND ALL FURTHER
PROCEEDINGS PURSUANT TO THE NOTICE.

IN WP NO.4557/2025:

BETWEEN:

MS. GOWTHAMI B
D/O LATE BALEGOWDA B.K.
AGED ABOUT 36 YEARS,
R/A BALEGOWDANAPALYA,
KOTTAGERE HOBLI,
KUNIGAL TALUK,
TUMKUR 572 130.

...PETITIONER

(BY SRI. SADANAND G. SHASTRI, ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA, BY
BY DEPARTMENT OF RURAL DEVELOPMENT AND
PANCHAYAT RAJ,
REPRESENTED BY PRINCIPAL SECRETARY,
M.S. BUILDING,
3RD FLOOR,
3RD GATE,
BENGALURU,
KARNATAKA-560 001.
- 2 . THE ASSISTANT COMMISSIONER,
FIRST FLOOR,
MINIVIDHANA SOUDHA,
TUMAKURU - 572101.
- 3 . KOTTAGERE GRAM PANCHAYAT
REPRESENTED BY PANCHAYAT DEVELOPMENT OFFICER,
KUNIGAL TALUK,
TUMAKURU - 572130.
- 4 . SMT. CHIKKATAYAMMA,
W/O KRISHNAPPA L.,
AGED MAJOR,
KOTTAGEREPALYA,
KOTTEGERE POST,
KUNIGAL TALUK,

TUMAKURU 572130.

- 5 . SMT. HANUMAMMA
W/O CHENNAPPA,
AGED MAJOR,
KOTTAGEREPALYA,
KOTTEGERE POST,
KUNIGAL TALUK,
TUMAKURU-572130.
- 6 . SHRI. CHELUVAMURTHY,
AGED MAJOR,
S/O CHALUVAYYA,
KODIHALLI PALYA,
BHAKTARAHALLI POST,
KUNIGAL TALUK,
TUMAKURU-572130.
- 7 . SRI. MURTHY,
S/O LATE MUDALAGIRAYYA,
AGED MAJOR,
HOSAHALLI,
KOTTEGERE POST,
KUNIGAL TALUK,
TUMAKURU-572130.
- 8 . SRI. RAJIV,
S/O RANGASWAMAYYA,
AGED MAJOR,
MESTRIRAMANNANAPALYA,
HOSAHALLI,
KUNIGAL TALUK,
TUMAKURU-572130.
- 9 . SRI. PARAMESH,
S/O LATE LINGAPPA,
AGED MAJOR,
MAAVINAKATTEPALYA,
KUNIGAL TALUK,
TUMAKURU-572130.

- 10 . SMT. SAROJAMMA
W/O LATE HUCHAPPA,
AGED MAJOR,
KODIHALLIPALYA
BHAKTARAHALLI POST,
KUNIGAL TALUK,
TUMAKURU-572120.
- 11 . SRI. MOHAN KUMAR,
S/O, NARAYANAPPA,
AGED MAJOR,
KOTTAGERE,
KOTTAGERE POST,
KUNIGAL TALUK,
TUMAKURU-572130.
- 12 . SMT. JYOTHI
W/O RAVI
AGED MAJOR,
KOTTAGERE,
KOTTAGERE POST
KUNIGAL TALUK,
TUMAKURU-572130.
- 13 . SMT. APNA KHAN,
W/O ARIF ULLA KHAN,
AGED MAJOR,
KOTTAGERE,
KOTTAGERE POST,
KUNIGAL TALUK,
TUMAKURU-572130.
- 14 . SMT. SUJATHA
W/O LATE NARAYANA,
AGED MAJOR,
NEELATHAHALLI,
BIDANAGERE POST,
KUNIGAL TALUK,
TUMAKURU-572130.
- 15 . SRI. N.N. CHINNIGAPPA,
S/O, LATE NANJAPPA
AGED MAJOR,

NEELATHAHALLI,
BIDANAGERE POST,
KUNIGAL TALUK,
TUMAKURU-572130.

16 . SRI. PUTTASIDDAMMA
W/O SHIVANNA N
AGED MAJOR,
NEELATHAHALLI,
BIDANAGERE POST,
KUNIGAL TALUK,
TUMAKURU-572130.

...RESPONDENTS

(BY SMT. PRAMODHINI KISHAN, AGA FOR R1 & R2;
SRI. V.RAJAIAH, ADV. FOR R4 TO R6, C/R8, R11, C/R15 & R16)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A
WRIT IN THE NATURE OF CERTIORARI QUASHING THE
IMPUGNED NOTICE DATED 30/01/2025 AT ANNEXURE-A
BEARING NO.ELN(KU) CR:48/24-25 BY THE RESPONDENT NO.2.

THESE WRIT APPEAL AND WRIT PETITIONS HAVING BEEN
HEARD AND RESERVED FOR JUDGMENT ON 14.11.2025 AND
05.12.2025 AND COMING ON FOR PRONOUNCEMENT OF
JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE
FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE RAJESH RAI K

CAV JUDGMENT**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

Writ Appeal No.207/2025 is filed against the order dated 31.01.2025 passed by the learned Single Judge in Writ Petition No.35255/2024 (LB-RES).

Writ Petition No.19571/2025 is filed seeking to quash the meeting notice given in Form-II, vide No.ALN-GraPan-Avishwasa-01/2025-26, dated 24.06.2025 issued by respondent No.3 at Annexure 'K' to the Writ Petition.

Writ Petition No.20174/2024 is filed seeking to quash the Notice dated 23.06.2025 issued by Assistant Commissioner, Davanagere Sub-Division, Davanagere-respondent No.2 bearing No.Election:CR/26/2025-26 whereby respondent no. 2 has convened meeting on 11.07.2025 at 11.00 a.m. to consider the no-confidence motion moved against the petitioner/President of Nagenahalli Grama Panchayat, vide Annexure 'A' and all further proceedings pursuant to the notice.

Writ Petition 4557/2025 is preferred seeking to quash the impugned notice dated 30.01.2025 bearing No.ELN(KU) CR.48/24-25 issued by respondent no.2.

2. We have heard Shri. P.P. Hegde, learned senior counsel as instructed by Shri. Venkatesh Somareddi, learned Advocate appearing for the petitioner in W.P.No.20174/2025, Shri. A.M.Maheshwarappa, learned counsel appearing for the petitioner in W.P.No.19571/2025 and Shri. Andanappa Gurappa Ballolli, the learned counsel appearing for the appellant in W.A.No.207/2025. Shri. Sadanand G. Shastri, learned counsel appearing for the petitioner in W.P. No.4557/2025.

Shri. Chandrashekar L, learned counsel appearing for respondents No.4 to 10 in W.A.No.207/2025, Shri. Ashok N. Nayak, learned counsel appearing for respondent No.14 in W.P.No.19571/2025 and Shri. N.K.Jagadeeshwara, learned counsel appearing for respondent No.3 in W.P.No.20174/2025. Shri V. Rajaiah, learned counsel for respondents No.4 to 6, Caveator/respondent No.8, 11 Caveator/respondent No.15 and 16 in W.P.No.4557/2025.

Smt. Pratima Honnapura, learned Additional Advocate General along with Smt. Mamatha Shetty, learned Additional Government Advocate appearing for the State in Writ Appeal No.207/2025, W.P.No.19571/2025 and 20174/2025. Smt. Pramodhini Kishan, learned Additional Government Advocate appearing for respondents No.1 and 2 in W.P.No.4557/2025.

3. These writ petitions have been placed before us for consideration on account of Reference Order dated 28.02.2025 in Writ Petition No.4557/2025, Reference Order dated 05.03.2025 in Writ Appeal No.207/2025 the Reference Order dated 10.07.2025 in Writ Petitions No.19571/2025 and 20174/2025. The reference has been made on account of the difference of opinion expressed in three judgments of learned Single Judges of this Court.

4. On a conjoint reading of the orders of Reference, we notice that these four questions have been placed for our consideration:-

- (i) *Whether the requirement of giving "not less than fifteen clear days' notice" under Rule 3(2) of the Karnataka Panchayat Raj (Motion of No-Confidence against Adhyaksha and Upadhyaksha of Grama*

Panchayat) Rules, 1994, is to be construed as mandatory or directory?

- (ii) *Whether the statutory phrase "give a notice of not less than fifteen clear days" refers to the date of dispatch of notice or the date of its actual delivery to the members?*
- (iii) *Whether both the date of receipt of notice and the date of meeting are to be excluded in computing the "15 clear days" notice period and whether non-exclusion of these dates would invalidate the proceedings?*
- (iv) *To what extent can substantial compliance with procedural requirements under the Panchayat Raj Rules validate a no-confidence motion, particularly when requisitions or notices deviate from the prescribed form or timeline?*

5. It is due to the divergence of opinion of the learned Single Judges of this Court in:-

- ***Sri Venkataram & Another. v. Assistant Commissioner, Kolar*** reported in ***ILR 2009 KAR 4078***;
- ***Smt. Geeta K.V. v. The State of Karnataka and Others***, by Order ***dated 01.07.2022*** passed in ***Writ Petition No.12724 of 2022 (LB-ELE)***;
- ***Mrs. Bhagyamma v. State of Karnataka & Ors.*** by order ***dated 01.02.2024*** passed in ***W.P. No. 30979/2024***; and

- ***Smt. Sharadabai v. The State of Karnataka and others*** by order ***dated 31.05.2022*** passed in ***W.P.No.101890/2022.***

6. The learned Single Judge has also considered the decisions in ***Abdul Razak v. The Assistant Commissioner, Davanager Sub-Division, Davanagere & Ors.,*** reported in ***2004 SCC OnLine Kar 505.*** The judgment of the Full Bench in ***C. Puttaswamy v. Smt. Prema, etc.*** reported in ***1992 SCC OnLine KAR 74,*** has also been referred.

7. In the decision of a learned Single Judge of this Court in ***Sri Venkataram's*** case (supra), it is held that giving of 15 days clear notice in Form II as provided in Rule 3(2) of the Karnataka Gram Swaraj and Panchayat Raja (Motion of No-Confidence against Adhyaksha and Upadhyaksha of Grama Panchayat) Rules, 1994 ('1994 Rules' for short) is only directory in nature and that violation of the said provisions does not vitiate the proceeding. It was held that the date of receipt of notice is not the

determining factor but the date of giving of notice is to be considered for reckoning the period of notice.

8. In Writ Petition No.12724/2022, the learned Single Judge, after referring to the full-bench decision in **C. Puttaswamy's** case (Supra), it is held that the 15 days clear notice required for the conduct of a no-confidence motion is mandatory. However, it was further held that the 15 clear days are to be reckoned from the date of service of the notice on members of the Panchayat.

9. However, in Writ Petition No.30979/2024, the learned Single Judge on 01.02.2025, held as follows:-

"13. Surely, it is not the intention of the legislature that wayward members should be allowed to adopt means that would frustrate the right of members to express their want of confidence in the Adhyaksha or the Upadhakshya and the Rule should be interpreted in a manner which fulfils the objective of the legislature and not in a manner which destroys its basic intent.

14. It is to be stated here that the only limitation prescribed under Rule 3(2) is that the meeting would have to be convened within 30 days of the requisition having been received by the Assistant Commissioner. There is no requirement in the Rule that the members

are required to be served first, before a date for the meeting is fixed."

10. In Writ Petition No.101890/2022, the learned Single Judge held that the Rule requires 15 clear days of notice, that is, excluding the date on which the notice is sent and the date of the no-confidence motion. It is on account of the difference in opinion that the present cases have been referred to this Bench.

11. The learned senior counsel appearing for the petitioner in W.P.No.20174/2025 contends that that the mandatory statutory requirement of "15 clear days" notice under Rule 3(2) has not been complied with. The notice dated 23.06.2025 was served on the petitioner on 28.06.2025, whereas the meeting was fixed for 01.07.2025, which does not satisfy the requirement of 15 clear days between the date of receipt of notice and the date of the meeting. Form-I was not furnished along with the notice. Form-I was subsequently served on the petitioner's wife on 01.07.2025, which does not amount to valid service.

12. It is further contended that the Assistant Commissioner acted in haste and without application of mind, as the mandatory waiting period of 10 days from the date of receipt of the members' requisition was not observed. The impugned notice also fails to disclose the allegations or grounds for the No Confidence Motion, thereby violating principles of natural justice.

13. It is further submitted that no notice of intention to hold the meeting was served on the President as required under Section 52 of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 ('Panchayat Raj Act' for short), and that Form No.1 itself is invalid, rendering all subsequent proceedings *void ab initio*.

14. The learned senior counsel appearing for the petitioner in W.P.No.20174/2025 has relied on the following decisions:-

- ***Sangappa v. The Assistant Commissioner, Bijapur District & Anr.***, reported in ***ILR 2004 KAR 1102***;
- ***Jai Charan Lal Anal v. State of U.P. & Ors.***, reported in ***1967 SCC OnLine SC 288***;

- ***Smt. Roopa v. The State of Karnataka***, reported in ***ILR 2019 KAR 1373***;
- ***Smt. Hanamavva v. The Assistant Commissioner, Bagalkot & Ors.***, reported in ***ILR 2022 KAR 4953***.
- ***National Insurance Company Limited v. Pranay Sethi and Others***, reported in ***(2017) 16 SCC 680***;
- ***State of Uttar Pradesh and Others v. Ajay Kumar Sharma and Another***, reported in ***(2016) 15 SCC 289***;
and
- ***R. Muniswamy v. The State of Karnataka and Others***,
by Order ***dated 23.11.2018*** passed in ***Writ Petition No.52364/2018 (LB-ELE)***.

15. The learned counsel appearing for the appellant in W.A.No.207/2025 submitted that the appellant was served notice dated 19.12.2024 on 24.12.2024 and the date for the special meeting was fixed on 07.01.2025. As the meeting convened on 07.01.2025 was adjourned, the learned Single Judge re-fixed the meeting date for the no-confidence motion as 10.02.2025 at 11:00 am, under Rule 3(2) of the 1994 Rules. It is contended that the learned Single Judge has committed a jurisdictional error because it is the Assistant Commissioner who is empowered to fix the date,

time and place of the special meeting. The Court cannot substitute its own date in place of the statutory authority.

16. It is further contended that the Assistant Commissioner has failed to comply with the directions of the learned Single Judge regarding issuance of notice to the members who were not present before the Court. The learned Single Judge had observed that fresh notice was not required for those who were present before the Court but must be issued to those who were absent. However, the Assistant Commissioner did not serve notice upon the absent members. This procedural irregularity further vitiates convening of the special meeting, rendering the proposed meeting date of 10.02.2025, as illegal.

17. It is also further contended that under the threat and influence of the Panchayat member, the appellant had to tender her resignation on 12.12.2024. Although, she withdrew the resignation within ten days on 20.12.2024 and the Assistant Commissioner acknowledged the withdrawal, this fact was not considered by the learned Single Judge.

18. The learned counsel appearing for the petitioner in W.P.No.19571/2025 has raised similar contentions relating to violation of Section 49 of the Panchayat Raj Act. It is further contended that the date of receipt of notice is uncertain making computation of 15 clear days impossible.

19. The learned counsel for the petitioner in W.P.No.4557/2025 contends that a No-Confidence Motion had been initiated against the petitioner through a notice dated 30.01.2025, which was allegedly served on her by way of affixture on 13.02.2025. The meeting to consider the No-Confidence Motion had been fixed on 21.02.2025 at 11:00 am. It is contended that the notice was not properly served and that mandatory statutory requirements under Section 49 of the Panchayat Raj Act and Rule 3(2) of the 1994 Rules have not been complied with. It is further contended that the contents of the No-Confidence Motion, including the names of the signatories and the date of submission, were not disclosed to the petitioner.

20. The learned Additional Advocate General appearing for the respondents/State, on the other hand,

contended that what is contemplated is the dispatch of notice which is the only step which can be ascertained with certainty. It is contended that in the light of the language of the provision, the "15 days time" will have to be considered from the date on which the notice is dispatched in accordance with the Section and the Rule. It is contended that since the date of receipt is open to interpretation and cannot be clearly ascertained by the Authority, it cannot be relied upon for calculating the 15 days period.

21. It is further contended that the requirement of giving "not less than fifteen clear days' notice" under Rule 3(2) of the Rules, 1994 must be construed as mandatory, because the procedure implements a statutory right granted to members under Section 49 of the Panchayat Raj Act. The Rules are framed under a delegated power conferred by Section 49 of the Panchayat Raj Act, which deals with the removal of an elected office bearer. Since the rule prescribes the mechanism for exercising this statutory right, strict adherence to the procedural requirement of Rule 3(1) and Rule 3(2) of the 1994 Rules, is necessary. Therefore, it

is contended that notice must be issued strictly in accordance with the Rules 1994.

22. It is further contended that although the rule is mandatory, the question of compliance must be assessed through the prism of whether substantial prejudice has been caused. The learned AAG contended that any minor shortfall in clear-day computation is only a procedural irregularity cured by Section 57(2) of the Panchayat Raj Act, and the proceedings cannot be invalidated unless the Adhyaksha proves actual prejudice. If the purpose behind the rule providing adequate opportunity to the elected head is satisfied, minor computational or technical irregularities will not invalidate the meeting.

23. It is further contended that, for the purpose of computing the fifteen clear days' notice period, the operative date is the date of dispatch or issuance of the notice by the competent authority and not the date of actual receipt by the members. Once the notice is dispatched with proper addressing and postage, the statutory requirement of

“giving notice” is fulfilled. Delivery is only a procedural step, and the process begins at issuance.

24. The learned Additional Advocate General appearing for the respondents relied on the following citations:-

- ***Geetha Pandit Rao & Anr. v. The State of Karnataka & Ors.,* by order dated 30.11.2020 passed in W.P.No.7717/2020 and W.P.No.226494/2020;**
- ***Smt. Chinnamma v. The State of Karnataka & Anr.,* by order dated 01.02.2025 passed in W.P.No.31799/2024 c/w. W.P.No.32470/2024;**
- ***Smt. Savitri v. The State of Karnataka & Ors.,* by order dated 18.02.2025 passed in W.A.No.200026/2025 c/w. W.A.No.200029/2025;**
- ***T. Nagaraju v. Asst. Commissioner & Ors.,* by order dated 11.09.2019 passed in W.P.No.4355/2019 along with connected matters;**
- ***Sri Dilipa B.T. & Ors. v. The State of Karnataka & Ors.,* by order dated 23.07.2025 passed in W.P.No.20789/2025;**
- ***K.Narasimhiah v. H.C. Singri Gowda & Ors.,* reported in 1964 SCC OnLine SC 278; and**
- ***Gouri Shankar v. Asst. Commissioner,* by order dated 08.01.2014 passed in W.P.No.100123/2014.**

25. We have considered the contentions advanced. A Full-Bench of this Court in **C. Puttaswamy's** case (supra) was considering the provisions of Section 47(3) of the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayat and Nyaya Panchayats, Act 1983 ('1983 Act' for short). The provision was almost identical to Rule 3(2) of the 1994 Rules. Section 47(3) of the 1983 Act provided the Assistant Commissioner shall give to the members a notice of "not less than 15 clear days" of such meeting in such manner as may be prescribed. Relying on the judgments of the Apex Court in **K.Narasimhaiah v. H.C. Singri Gowda** reported in **AIR 1966 SC 330** and **Sharif-ud-Din v. Abdul Gani Lone** reported in **(1980) 1 SCC 403**, the Full Bench held that Section 47 of 1983 Act is a complete code in itself deliberately provided by the legislature, having regard to the importance of the elective office of the Pradhan and Upa-pradhan. The question referred was therefore answered thus at paragraph No.18, which reads as follows:-

"18. The provision under S. 47(3) of the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983, requiring the Assistant Commissioner to give to members

of a Mandal Panchayat notice of a meeting for consideration of a motion of no-confidence against the Pradhan or Upa-pradhan "of not less than 15 clear days of such meeting" is mandatory."

26. From a clear reading of the said judgment of the Full Bench and the judgments of the Apex Court which are relied on therein, we are clear in our mind that the provisions of Section 49 of the Panchayat Raj Act and Rule 3 of 1994 Rules are mandatory in nature. We are of the opinion that the fourth question raised in this reference also stands answered by the Full Bench judgment.

27. There is no requirement for us to consider the said issues afresh. In the light of the finding of the Full Court, we are bound by the same and we answer the reference holding that the not less than 15 clear days notice under Rule 3(2) of the 1994 Rules is to be construed as mandatory. The fourth question posed is also answered holding that the provisions of the Rules require strict compliance.

28. We are also of the opinion that the clear days notice as provided in the Rules has to be computed excluding the day of giving notice and the day on which the no-confidence motion is to be held. This is clearly so in view of Section 9 of the General Clauses Act, 1897 and the decision of the Apex Court in ***Jai Charan Lal Anal's*** case (*supra*), which held as follows:-

"4. x x x x Since the notice was despatched on the 17th and presumably reached the next day the learned counsel excludes the date of receipt of the notice and the date of the meeting and says that seven days did not intervene. In our judgment this is an erroneous reading of the sub-section. The sub-section says that the District Magistrate shall send the notice not less than seven clear days before the date of the meeting and the word "send" shows that the critical date is the date of the despatch of the notice. As the notice was sent on the 17th and the meeting was to be called on the 25th, it is obvious that seven clear days did intervene and there was no breach of this part of the section."

29. Therefore, the only question which needs our consideration in this batch of writ petitions and writ appeal is:

Whether the phrase give a notice of not less than 15 clear days refers to the date of dispatch of

notice or the date of its actual delivery to the members?

30. To consider this question, the relevant provisions of law require to be considered. Section 49 of the Panchayat Raj Act reads as follows:-

"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 resolution 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:

Provided that no such resolution shall be moved unless notice of the resolution 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 resolution:

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

Provided also that where a resolution expressing want of confidence in any Adhyaksha or Upadhyaksha has been considered and negatived by a Grama Panchayat a similar resolution in respect of the same Adhyaksha or Upadhyaksha shall not be given notice of, or moved, [six

months] from the date of the decision of the Grama Panchayat.]"

Rule 3 of the Rules, 1994 reads as follows:-

" 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 specified in Section 49(1)] of the total number of members together with a copy of the proposed motion shall be delivered in person [specified under sub-section (2) of Section 49, the allied particular allegations with notice enlisted in written witnesses and evidences submitted 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 Panchayath 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 him. He shall give to the members a notice of not less than fifteen clear days of such meeting in Form II: [The Assistant Commissioner shall make sure that the allegations delivered are specific in the attached list of notice to prepare a report within seven days in respect of Taluk Panchayat Executive Officer]:*

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 member; 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 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.

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

FORM II
[See Rule 3(2)]

NOTICE

*Sub: No-Confidence Motion against Adhyaksha or
 Upadhyaksh of Grama Panchayat - reg.*

*A meeting to consider the No-Confidence Motion
 Against the Adhyaksha or Upadhyaksha of Grama
 Panchayat will be held on (week day) the
 day (date) of (Month) 19 (Year) at
 (time) in the office of the said Grama
 Panchayat.*

*You are therefore requested to attend the said
 meeting on the date and at the place and time mentioned
 above.*

Assistant Commissioner

To,

Sri/Smt....."

31. The learned Single Judge in the reference order has referred to these provisions and has also noticed that the entire exercise of accepting the notice in Form I submitted by the required number of members to the issuance of notice to individual members and the holding of the no-confidence motion have all to be completed within a period of 30 days, failing which, the meeting for the no-confidence motion cannot be held. The intention of providing

15 clear days notice to the members is only to see that the members have the required time to know that a no-confidence motion is being moved, so that the presence of the maximum number of members at the motion. The procedure of issuance of notice cannot be a pedantic exercise to defeat a no-confidence motion being conducted at all. No hyper technicalities can be pleaded in the matter of conducting grass root level administration at the basic level of democratic Governance. If the Adhyaksha or the Upadhyaksha of a Panchayat has lost the confidence of the majority of the members constituting the Panchayat, then a no-confidence motion is liable to be moved within the time as provided in the rules.

32. In ***Gita Pandit Rao***'s case (supra), the learned Single Judge of this Court by judgment dated 30.11.2020, considering the decisions of the Division Bench as well as the Full Bench of this Court and the decision in ***M. Muniappa v. State of Karnataka*** reported in ***ILR 1998 Karnataka 3989***, held that the relevant date for consideration of the notice of no-confidence motion would be

the date of issuance of notice of motion by the Competent Authority and not the date of receipt of such notice by the members of the Panchayat. This conclusion was reached after interpreting the decisions including Bench decisions of this Court on the point. Paragraph No.61 of the judgment in **Gita Pandit Rao's** case (supra), reads as follows.:-

"61. In order to answer the averments made by the petitioners with regard to amendment to Rule 3(2) of the Rules, 2020, the interpretation of calculating the requisite number of days for issuing Form-II was considered by this Court in the case of GOURI SHANKAR (supra) wherein this Court, while dealing with Section 47 of the Panchayat Raj Act, held as follows:

"Procedure prescribed under Rule 3 is to effectuate the purpose and intent of substantive law namely, Section 49 of Karnataka Panchayat Raj Act, and even considering the fact that Full Bench of this Court has held compliance of Rule 3 is mandatory, when facts on hand are examined, it would clearly indicate that the notice of meeting-Annexure-A dated 23.12.2013 for considering no-confidence motion meeting is proposed to be held on 10.01.2014 and merely because petitioner has received said notice on 29.12.2013 and thereby there is shortfall of 15 days notice, would not be a ground to interfere by this Court in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. It is not the receipt of notice but the date of dispatch of meeting notice which would be a factor which requires to be considered for examining as to whether there is infraction of Rule 3(2)."

33. It is to be borne in mind that the word used in the Rule is "give" notice. Notice can be given to each member by the four means stated in Rule 3(3) of 1994 Rules. Giving a notice by registered post involves the act of sending the notice and the recipient receiving the notice. However, when the word 'give' is used in a context where the entire exercise under the Rule is required to be completed in a time bound manner, the provision cannot be interpreted in a manner that will defeat the very purpose of the provision. In all other modes of service under Rule 3(3) of 1994 Rules, that is, tender of notice to the member, leaving it at his last known place of residence and affixture, the act of giving notice is complete once the act is done, regardless of whether the member actually receives the notice.

34. We also notice that the question of each member of the Panchayat receiving the notice sent by registered post is not something which can be ascertained with any degree of certainty. If the receipt of notice sent by registered post by each member of the Panchayat is to be taken into account, the conduct of a no-confidence motion can easily

be defeated by some members evading notice, so that the statutory period of 30 days from the date of notice given by the required number of members, is defeated and the no-confidence motion cannot be moved. This cannot be the intention of the statute. However, to say that the date of the notice is to be taken into account is also fraught with difficulties because the Assistant Commissioner, who is entrusted with the sending of the notice can date the notice or even pre-date it, but delay the sending of the notice to the members to defeat proper attendance at the no-confidence motion.

35. Having considered the contentions advanced and the provisions of the rules and the decisions on the point, we are clearly of the opinion that the only date which can be certainly relied on as the starting point for the 15 clear days notice is the date on which the notice is dispatched to the members of the Panchayat by the designated authority by the method prescribed by law.

36. It is the date of dispatch of the notice under Rule 3(2) of the 1994 Rules in Form II that starts the clock for

counting the '15 clear days'. Therefore, the '15 clear days' under Rule 3(2) of the Rules 1994 has to be computed from the date of dispatch of the notice by excluding the said day as well as the day on which the 'No-confidence motion' is held. We answer the reference accordingly. Accordingly, the Writ Appeal No.207/2025 fails.

37. In the above view of the matter, we answer the reference as follows:-

- (i) The requirement of giving not less than 15 clear days notice under Rule 3(2) of the 1994 Rules is mandatory in nature.
- (ii) The statutory phrase "give" notice of not less than 15 clear days refers to the date of dispatch of notice and not the date of its actual delivery to members.
- (iii) The date of dispatch of the notice and the date of meeting are to be excluded in computing the 15 clear days notice period.

- (iv) Strict compliance with the prescribed procedure is required to validate a no-confidence motion and the form of notice and the timeline are to be adhered to.

38. We have considered the facts of the cases in the light of the answers to the reference. Since the primary contention urged in these cases is with regard to the non-availability of 15 clear days notice from the date of receipt of the notice by the members to the date of convening of the Special General Meeting, we are of the opinion that the writ appeal and the writ petitions cannot succeed.

39. The starting point for notice to the members under Rule 3(2) of 1994 Rules is the date of dispatch of the notice. The reference is answered as above.

40. In the result:-

(i) Writ Appeal No.207/2025, is
dismissed.

(ii) Writ Petitions No.20174/2025,
19571/2025 and 4557/2025, are
dismissed.

Pending interlocutory applications shall stand *disposed*
of in all the matters.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(RAJESH RAI K)
JUDGE

cp*