

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.32184 of 2017

ORDER:

The present Writ Petition, under Article 227 of the Constitution of India, came to be filed seeking to declare the action of the third respondent in issuing Notice No.B4/7094/2017 dated 15.09.2017, as illegal and arbitrary.

The main ground urged by the learned counsel for the petitioner is that the impugned notice came to be issued in contravention of Section 245 of Gram Panchayat Act, 1994 and Rule 3 of Motion of No-Confidence in Upa-Sarpanch of Gram Panchayat or Vice -President/President of Mandal Praja Parishad or Vice Chairman/Chairman of Zilla Parishad.

Learned Government Pleader appearing for respondents, on instructions, concedes that the impugned notice is illegal as the prescribed time of fifteen days was not granted.

Having regard to the above, the impugned notice dated 15.09.2017 is hereby set aside. However, the respondents are at liberty to proceed further in accordance with law.

Accordingly, the Writ Petition is disposed of.

Consequently, miscellaneous petitions pending in this petition, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

22.09.2016

Note : Issue C.C. today
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