

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.33103 OF 2017

ORDER

Heard learned counsel appearing for the petitioner, learned Government Pleader for Panchayat Raj appearing for the 1st respondent, learned Government Pleader for Revenue appearing for respondents 2 and 3 and learned Standing Counsel appearing for the 4th respondent.

The petitioner had contested as Ward Member from Ward No.7 of Pothepally Gram Panchayat and elected as Ward Member. Thereafter, he was elected as Upa-Sarpanch of the said Gram Panchayat on 31.07.2013.

When a notice of no confidence motion dated 23.9.2017 was received by the petitioner from the 3rd respondent proposing to convene a meeting on 04.10.2017 along with a copy of resolution passed by the ward members of the said village, the present writ petition is filed.

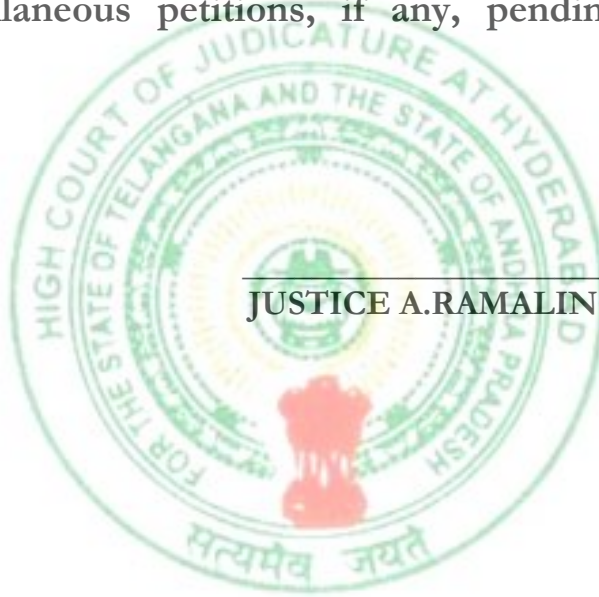
Learned counsel appearing for the petitioner submits that as per Rule 3 of the Rules framed under A.P. Panchayat Raj Act, 1994, relating to motion of no confidence, the meeting shall be called for within 30 days after delivery of notice of intention to move the no confidence motion and the same shall be served by giving 15 days time excluding the date of notice of the proposed meeting.

The notice dated 23.09.2017 was issued by the 3rd respondent proposing to convene the meeting on 4.10.2017 is not in dispute.

In view of the same, the Writ Petition is allowed at the admission stage as learned Government Pleader could not sustain the impugned notice. However, this order will not prevent the respondents from following due process of law while issuing another notice for convening the meeting.

Miscellaneous petitions, if any, pending shall stand closed.

3rd October, 2017
rkk



JUSTICE A.RAMALINGESWARA RAO