

HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

WRIT APPEAL No. 993 of 2018

JUDGMENT: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

This appeal is against the refusal of the learned Single Judge to interfere with the notice of motion and consideration of a no-confidence motion in a Mandal Praja Parishad.

2. We have heard learned counsel for the appellant, against whom the no-confidence motion was proposed to be moved, Sri V. Ravinder Rao, learned Senior Counsel for the fourth respondent, who appears to have piloted the no-confidence motion, and learned Government Pleader for Panchayat Raj and Rural Development for respondents 1 and 2.

3. It is not in dispute that the no-confidence motion has been carried by the time the writ appeal is before us for consideration today at 2.15 p.m. This has made the writ appeal infructuous.

4. The aforesaid proceedings notwithstanding while the learned counsel for the appellant says that the impugned order was delivered by the learned Single Judge on 20.07.2018, the fact of the matter remains that the writ petition challenging the notice dated 06.07.2018 was filed only on 16.07.2018. The plea of the appellant even before the learned Single Judge was that the notice was issued under a repealed enactment and the relevant provisions of the subsequent legislation have not been invoked. It is pointed out by the learned Senior Counsel appearing for the fourth respondent as well as the learned Government Pleader for Panchayat Raj and Rural Development that the provisions of the repealed and the later enactment, in regard to the issue in question, are in *para materia* and the period during which a non-confidence motion cannot be notified or taken up is the same under both the legislations. We,

therefore, do not find any jurisdictional error or legal infirmity in the impugned judgment of the learned Single Judge.

5. For the aforesaid reasons, this appeal fails.

6. In the result, this appeal is dismissed without prejudice to any remedy which may be available to the appellant in accordance with law including the provisions of the Telangana Panchayat Raj Act, 2018.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

V. RAMASUBRAMANIAN, J

Date: 23.07.2018
pnb/va

