

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.26014 of 2018

ORDER:

Heard Sri A.Sudershan Reddy, learned Senior Counsel representing Sri G.Madhusudhan Reddy, learned counsel for the petitioners on record and the learned Government Pleaders for Revenue and Municipal Administration for the official respondents herein.

2. In the present writ petition, petitioners herein are praying for a direction to the third respondent/District Collector, Warangal Rural District, Warangal to postpone the meeting for considering the no-confidence motion scheduled to be held on 26.07.2018 against the Chairperson and Vice-Chairperson of Parkala Municipality.

3. Petitioners herein are the Ward Members of the said Municipality. As many as 14 Ward members including the petitioners herein in terms of Section 46 of the Telangana Municipalities Act, 1965 submitted a written notice of intention to move the motion of no-confidence against the Chairperson and Vice-Chairperson in Form No.I. On the basis of the said requisition, the District Collector vide Rc.No.H2/1067/2018 issued Form II proposed to hold a meeting for consideration of the no-confidence motion on 26.07.2018.

4. Alleging in the affidavit filed in support of the writ petition that the respondents 4 and 5, who are the Chairperson and Vice-Chairperson, kidnapped one Sri Madikonda Sampath Kumar and Sri Porandla Santosh, members of Wards 1 and 5 respectively on 22.07.2018 and 23.07.2018 and while stating that the relatives of the individuals lodged complaints with the police vide FIR Nos.142/2018 and 143/2016 and further stating that the

relatives of the above said individuals also submitted a representation to the District Collector on 23.07.2018, the present writ petition is filed.

5. Reiterating the contents of the affidavit filed in support of the writ petition, it is submitted by the learned Senior Counsel, Sri A.Sudershan Reddy, representing the learned counsel for the petitioners that in view of the act of kidnapping resorted to by the respondents 4 and 5, the proposed meeting needs to be postponed otherwise the petitioners herein who moved no-confidence motion will be put to irreparable loss and injury.

6. On the other hand, it is contended by the learned Government Pleaders for Revenue and Municipal Administration that the ground of missing of two Ward Members as alleged by the petitioners herein cannot be the reason to postpone the meeting and there is no provision to adjourn the meeting and that Rule 10 of the Telangana Municipalities (Motion of no-confidence in Chairpersons and Vice-Chairpersons) Rules, 2008 mandates that a meeting convened under these Rules shall not be adjourned for any reason and that it is obligatory on the part of the District Collector to convene meeting for consideration of the motion within a period of 30 days. It is also the submission of the learned Government Pleaders that no proper breathing time is given to the District Collector also.

7. The material available before this Court discloses that out of total number of Ward Councilors of the Municipality, 14 Councilors have moved the notice of no-confidence. Basing on the said motion of no-confidence, the District Collector vide notice dated 05.07.2018 proposed to convene the meeting on 26.07.2018. Though in the affidavit filed in support of the writ petition it is contended that the respondents 4 and 5, who are the Chairperson and Vice-Chairperson, have kidnapped two Ward Members viz.,

N.Sampath Kumar and P.Santosh, the FIR Nos.142 and 143 of 2018 registered by the Parkal Police Station as Man missing case on the complaints made by the brother of Sri Madikonda Srinu and the wife of Sri P.Santosh do not disclose any sort of such allegations against the respondents 4 and 5 herein. It is also significant to note that even in the representation dated 23.07.2018 there is no allegation against the respondents 4 and 5. Section 46 of the Telangana Municipalities Act, 1965 deals with the motion of No-confidence in Chairperson/Vice-Chairperson. According to sub-Section (1) of Section 46 of the Act a motion of no-confidence can be moved by not less than one half of total members of the Council.

Sub-Section (2) of Section 46 of the Act mandates, in clear terms, that the District Collector shall convene a meeting for the consideration of motion at the office of the Municipal Council on the date appointed by him which shall not be later than 30 days. Sub-Section (3) of Section 46 of the Act stipulates the quorum for such meeting as two-third of the total number of members. The state Government in exercise of the powers conferred by sub-Section (1) of Section 326 read with Section 46 of the Municipalities Act, 1965 framed the A.P Municipalities (Motion of No-Confidence in Chairperson/Vice-Chairperson) Rules 2008. Rule 10 of the said Rules, in equivocal terms, mandates that a meeting convened for the purpose of considering a motion under the Rules shall not be adjourned for any reason.

8. In the considered opinion of this Court, the pendency of investigation in the above mentioned F.I.Rs which obviously did not mention the names of the respondents 4 and 5 herein, cannot be the basis for postponing the meeting scheduled to be held on 26.07.2018 ie.,

tomorrow. It is also not the case of the petitioners herein that they approached the District Collector with any representation earlier.

9. In view of the above, this Court does not find any merit in the writ petition. Accordingly, the writ petition is dismissed. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:25.07.2018
grk





THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.26014 of 2018

Dated: 25.07.2018

grk

ork