

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.26276 of 2018

ORDER :

Heard the counsel for petitioner, and the learned Government Pleader for Panchayat Raj for respondent nos. 1 and 2.

2. The petitioner herein has assailed notice No.B/812/2018, dt.19.07.2018, issued by 1st respondent purporting to conduct a 'No Confidence Motion' against petitioner, who is the President of Mandal Praja Parishad, Thooprana, on a strength of requisition issued by 3rd respondent and others.

3. The counsel for petitioner contended that the requisition given by 3rd respondent and others does not conform to Form-II of the Rules relating to motion of 'No Confidence' in Upa Sarpanch of Gram Panchayat or Vice-President of Mandal Praja Parishad or Vice-Chairperson / Chairperson of Zilla Parishad Rules notified vide G.O.Ms.No.200 Panchayat Raj & Rural Development (Mandal-I) dt.28.04.1998. In particular, he contended that 3rd respondent and others having stated in the representation (Ex.P.2) given by them that they wish that a meeting be specially convened for the purpose of taking up a Motion expressing want of Confidence in petitioner, the impugned notice is defective.

4. In Bandila Audi Seshamma v. Government of Andhra Pradesh¹, which was followed by this Court in its order dt.29.11.2017 in WP.No.33745 of 2017, the Full Bench judgment of this Court in **K. Sujatha v. Government of Andhra Pradesh, Panchayat Raj Department and another²** was interpreted to mean that the Legislature had not provided that non-compliance of procedural provisions of service of notice or form of notice, would render the Vote of 'No Confidence' invalid; and that the object of procedural law is to apprise the Member or the President that the Vote of 'No Confidence' would be held on a particular date and time.

5. Having regard to the same, I am of the opinion that the form of notice is not mandatory and it is sufficient if the same conveys a meaning that a Vote of 'No Confidence' is being expressed by some of the Members of Mandal Praja Parishad, Thoopran in the petitioner; and that non-mention in the requisition given by 3rd respondent and others for convening a meeting to consider the Motion of want of confidence in the petitioner is not fatal, invalidating the requisition given by 3rd respondent and others, particularly, when notice in Form-V was issued by 1st respondent on 19.07.2018 convening such a meeting on 04.08.2018 at 11:00 a.m.

6. Therefore, I see no merit in the Writ Petition and it is accordingly dismissed at the stage of admission. No order as to costs.

¹ 2005 (2) A.L.D. 316

² 2004 (3) A.L.T. 682 (F.B.)

7. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 31.07.2018

Ndr/*

