

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

WRIT PETITION No.26965 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleaders for Municipal Administration and Urban Development and Revenue, appearing for the respondent Nos.1 to 3 respectively, and Sri C.Prabhakar, learned counsel for the respondent Nos.4 to 31.

The elected Chairperson of Bellampally Municipal Council, Mancherial District is before this Court in the present Writ Petition, wherein a notice in Form-II, bearing Rc.No.E1/1034/2018, dated 16.07.2018, issued by the District Collector, Mancherial District-second respondent herein, fixing the date of meeting of the Municipal Council, Bellampally for consideration of motion of No Confidence against the Chairperson, is under challenge.

Broadly, there are two contentions raised by the learned counsel for the petitioner. They are: 1) Only in respect of Special Grade municipalities the Collector is competent to issue motion notice and, in respect of the other municipalities, including the subject municipality, it is only the Revenue Divisional Officer, who is competent to initiate proceedings, under Section 46 of the Telangana Municipalities Act, 1965 (for brevity, 'the Act'), and 2) in view of the registration of crime, vide F.I.R.No.75/2018, on the file of the Police Station, Bellampally, under Section 365 IPC, on the complaint of one Sri Srikanth Lingamapally, the proposed meeting cannot be permitted to be held.

So far as the first contention is concerned, it is to be noted that, as per Section 46 of the Act, the District Collector is the authority competent to initiate the proceedings of motion of No Confidence, as such, the first contention, advanced by the learned counsel for the petitioner, cannot be sustained. Insofar as the second contention, once a motion of No Confidence is moved by not less than one half of the members of the Council, it is obligatory on the part of the District Collector to convene a meeting for consideration of the same and, as per sub-Section (3), the quorum for such a meeting shall be 2/3rd of the total number of members and, if there is no quorum for the meeting, the meeting needs to be adjourned to some other time on the same day. The registration of the crime on the complaint by Sri Srikanth Lingampally, and the representation made by the petitioner herein on 25.07.2018, requesting to adjourn the proposed No Confidence motion, in the teeth of the mandatory provisions of the statute, cannot be the reason for deferring the proposed meeting. Therefore, this Court does not find any valid reason to interdict the process initiated by the District Collector.

For the aforesaid reasons, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

A.V.SESHA SAI, J

01st August, 2018
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