

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.27105 of 2018

ORDER :

Heard the counsel for petitioner, the learned Government Pleader for Panchayat Raj for respondent nos.1 and 4, the learned Government Pleader for respondent nos.2 and 3; and Sri V. Srinivas and J. Kanakaiah, counsel for private respondent nos.5 to 23.

2. In this Writ Petition, the petitioner assails the impugned notice dt.26.07.2018 in Form-V issued by the 3rd respondent, proposing to convene a meeting at 11:00 a.m. on 13.08.2018 to consider a 'No Confidence Motion' moved against the petitioner who is the President of the Hayathnagar Mandal Parishad by respondent nos.5 to 23.

3. The counsel for petitioner contended that without verifying the signatures of respondent nos.5 to 23, the 3rd respondent has issued the impugned notice. It is also his further contention that the said impugned notice has been issued on the basis of a requisition dt.26.07.2018 given by respondent nos.5 to 23, and that respondent nos.5 to 23 did not submit the said requisition personally to the 3rd respondent.

4. Counter-affidavit has been filed by 3rd respondent denying both the contentions. He stated that all the (19) M.P.T.C. members, who moved the motion of 'No Confidence' on 26.07.2018, had appeared before him at the time of its submission and all of them even signed

before him while submitting the proposal. It is stated that on receiving the said proposal along with Form-II notice the 3rd respondent put his initials on the Form-II notice mentioning the date and time of receipt of the same and got it entered in the Inward Register for taking further action. It is also stated that after receipt of the proposal of 'No Confidence', the 3rd respondent had asked the 4th respondent to verify the signatures of the (19) M.P.T.C. members by letter dt.26.07.2018, and the 4th respondent returned it on the same day stating that the signatures were verified with reference to the General Body Attendance Register and found to be correct and tallied.

5. Sri V. Srinivas and J. Kanakaiah, counsel appearing for private respondent nos.5 to 23, also reiterated the same.

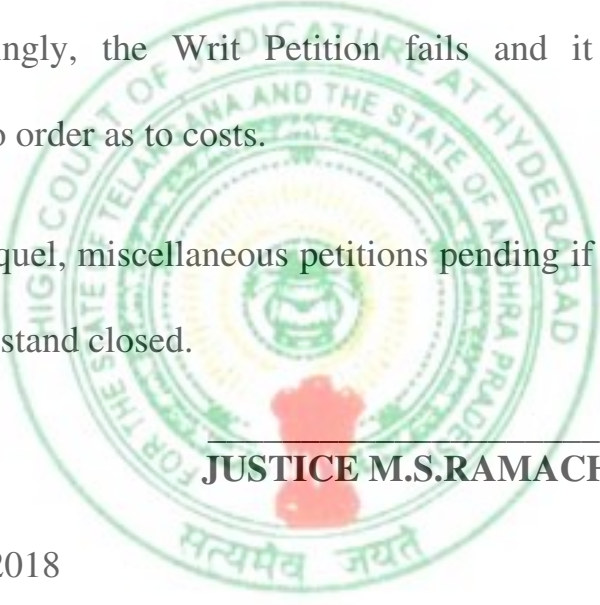
6. A perusal of the requisition given on 26.07.2018 by respondent nos.5 to 23 shows that there is a signature purporting to be that of 3rd respondent on 26.07.2018 at 11:25 A.M. When compared with the signature on the impugned notice dt.26.07.2018, the said signature appears to be a shorter form of the signature of 3rd respondent. Also, in view of the statement of 3rd respondent in the counter-affidavit filed by him that he did receive a proposal dt.26.07.2018 in person from all the (19) M.P.T.C. members and all have signed the said proposal in his presence, it has to be held that it was the 3rd respondent who did receive the proposal dt.26.07.2018 submitted by respondent nos.5 to 23 to move the 'No Confidence Motion' against petitioner.

7. Also the proceedings in letter No.H1/163/2018 dt.28.07.2018 of 4th respondent, addressed to 3rd respondent, indicates that he did verify the signatures on the proposal dt.26.07.2018 with the General Body Meeting Attendance Register and found the (19) signatures thereon to be correct and tallying.

8. In this view of the matter, I do not find any infirmity in the impugned notice dt.26.07.2018 warranting interference by this Court under Article 226 of the Constitution of India.

9. Accordingly, the Writ Petition fails and it is accordingly dismissed. No order as to costs.

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



JUSTICE M.S.RAMACHANDRA RAO

Date: 08.08.2018

Ndr/*