

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

W.A.No.1326 OF 2018 & W.P.No.33345 OF 2018

COMMON ORDER: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr.Sashibushan Rao for writ petitioner, Mr.C.V.R.Rudra Prasad for respondent No.5, Mr.G.Seshadri for Respondent No.4 and learned Government Pleaders for Panchayat Raj and Revenue for respondents 1 to 3 in W.P.No.33345 of 2018.

W.A.No.1326 of 2018 arises against I.A.No.01 of 2018 dated 17.09.2018 in W.P.No.33345 of 2018. The writ appeal is at the instance of respondent No.5 in the writ petition.

The issue arises under the A.P. Panchayat Raj Act, 1994 (for short 'the Act'). The counsel appearing for the parties have consented to disposing of W.P.No.33345 of 2018 as well.

W.P.No.33345 of 2018 is filed for Mandamus declaring Form –V notice issued by 3rd respondent in Rc.A1/355/2018 dated 10.09.2018 as illegal and contrary to Section 245 of the Act and the Rules made thereunder.

The 5th respondent has moved no confidence against the writ petitioner. The 3rd respondent issued the impugned notice dated 10.09.2018. The complaint of writ petitioner is that the notice impugned in the writ petition does not provide for 15 days time as required by law and also per the ratio laid down by this Court in

K.SUJATHA v. GOVERNMENT OF A.P.¹. The notice refers to convening the meeting on 25.09.2018. The notice does not give 15 days time as prescribed by law. Hence, the writ petition.

The relevant dates, which have bearing on the applicability of 15 days minimum period, are not in dispute as well as the legal requirement to give 15 days notice. The ratio of Full Bench applies on all force to the facts of the case. Hence, the notice impugned in the writ petition is set aside. The Revenue Divisional Officer/respondent No.3 is given liberty to act on the representation given against the writ petitioner in accordance with law as expeditiously as possible.

The writ appeal and writ petition are disposed of as indicated above. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

5th October, 2018

Lrkm

¹ 2004(3) ALD 1 (FB)