

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.758 OF 2019

ORDER

Challenge in this writ petition is to the notice in Form-V issued by the Revenue Divisional Officer, Keesara Division, Medchal-Malkajgiri District, under Section 245(2) of the Andhra Pradesh Panchayat Raj Act, 1994, whereunder the Revenue Divisional Officer stated that the meeting of the Mandal Parishad would be held on 17.01.2019 at 11.00 AM for considering the motion of no confidence moved against the petitioner herein, the President of the Mandal Praja Parishad. Alleging that this notice is in violation of the prescribed procedure, the petitioner filed this writ petition.

By order dated 13.01.2019, this Court granted interim suspension of the impugned notice. I.A.No.2 of 2019 was filed by respondents 5 to 19 to vacate the said order while I.A.No.3 of 2019 was filed by the Revenue Divisional Officer, Keesara Division, Medchal-Malkajgiri District, for the same purpose.

Heard Sri K.S.Sunil, learned counsel representing Sri B.Chandrasen Reddy, learned counsel for the petitioner, learned Assistant Government Pleader for Panchayat Raj for the State authorities and Sri H.Venugopal, learned counsel for respondents 5 to 19.

It is a matter of record that the earlier notice dated 02.08.2018 issued by the Revenue Divisional Officer, Keesara Division, Medchal-Malkajgiri District, in relation to the motion of no confidence against the petitioner was subjected to challenge by her in W.P.No.28384 of 2018. The said writ petition was dismissed on 26.12.2018, but during its

pendency, the notice impugned therein was suspended. The order dated 26.12.2018 passed in the said writ petition also demonstrates that the Court was of the opinion that in the event the notice was not validly presented, it would not amount to a notice at all in the eye of law whereby the embargo with regard to a second notice being issued on the same count would not be attracted. After the dismissal of the aforestated writ petition, the notice dated 09.01.2019 came to be issued by the Revenue Divisional Officer, Keesara Division, Medchal-Malkajgiri District.

Sri K.S.Sunil, learned counsel, would assert that this notice is also not valid in terms of the Rules framed under G.O.Ms.No.200, Panchayat Raj and Rural Development (Manual-II) Department, dated 28.04.1998 as amended by G.O.Ms.No.253 dated 06.06.1998.

As per the *proviso* to Rule 3 in the said Rules where the holding of a meeting is stayed by an order of a Court, it has to be adjourned and the adjourned meeting should be held on a date not later than 30 days from the date on which the officer receives intimation about the vacation of stay and after giving to the members a notice of not less than 15 clear days excluding the date of the notice and the date of the proposed adjourned meeting. Viewed in the context of this *proviso*, it is patent that the notice dated 09.01.2019 does not allow 15 clear days time to the members as it was issued on 09.01.2019 and the meeting proposed thereunder was to be held on 17.01.2019. That being so, there is clear violation of the mandate to maintain 15 days from the date of notice up to the date of the meeting.

The writ petition is accordingly allowed on this short ground. The interim order dated 13.01.2019 shall stand vacated. It shall be open to the

Revenue Divisional Officer, Keesara Division, Medchal-Malkajgiri District, to take action afresh in accordance with the due procedure, if warranted, duly keeping in mind the fact that the Telangana Panchayat Raj Act, 2018 came into effect in the State of Telangana from 18.04.2018.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

25<sup>th</sup> FEBRUARY, 2019

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