**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 19TH DAY OF DECEMBER, 2024**

**BEFORE**

**THE HON'BLE MR JUSTICE B M SHYAM PRASAD**

**WRIT PETITION NO. 25452 OF 2024 (LB-RES)**

**BETWEEN:**

1. SRI N C PURUSHTOTHAM
S/O CHANDRASHEKARAIAH,
AGED ABOUT 34 YEARS,
PRESIDNET
NETHANAHALLI GRAMA PANCHAYATH,
R/AT NETHANAHALLI VILLAGE,
KASABA HOBLI, MAGADI TALUK,
RAMANAGAR RURAL DISTRICT-562120.

2. SRI SHIVAKUMAR
S/O LATE MALLAIAH,
AGED ABOUT 33 YEARS,
R/AT PARANGICHIKKANAPALYA,
MAGADI TALUK,
RMANAGARA DISTRICT-561201.

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Location: HIGH COURT OF KARNATAKA

3. SRI BASAVARAJU K
C/O KEMPAIAH,
AGED ABOUT 42 YEARS,
MEMBER,
KASABA HOBLI,
NASEPALYA, MAGADI TALUK,
RMANAGARA DISTRICT-561201.

4. SRI BASAVALINGAIAH G E
S/O ERRAIAH,
AGED ABOUT 35 YEARS,
MEMBER

T THATAVAL POST,
KEMPASAGARA
MAGADI TALUK,
RAMNAGARA DISTRICT-562120.

...PETITIONERS

(BY SRI. GOPALA.,ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA
DEPARTMENT OF PANCHAYATH RAJ
AND RURAL DEVELOPMENT
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
M S BUILDING,
DR AMBEKDAR VEEDHI,
BENGALURU-560001.

2. ASSISTANT COMMISSIONER
RAMANAGAR SUB DIVISION,
MINI VIDHANA SOUDHA,
1ST FLOOR, RAMANAGAR DISTRICT,
RAMANAGAR-562159.

3. PANCHAYAT DEVELOPMENT OFFICER
NETHANAHALLI GRAMA PANCHAYATH,
KASABA HOBLI,
MAGADI TALUK,
RAMANAGAR DISTRICT,
RAMANAGAR-562159.

4. EXECUTIVE OFFICER
MAGADI TALUK PANCHAYATH,
MAGADI,
RAMANAGAR DISTRICT-562159.

5. CHIEF EXECUTIVE OFFICER
RAMANAGARA ZILLA PANCHAYATH,
RAMANAGAR-562159.

6. SMT LAKSHMIDEVI
W/O NAGARAJAIAH,
AGED ABOUT 37 YEARS,
PRESIDENT,
NETHANAHALLI GRAMA PANCHAYATH,
KASABA HOBLI,
MAGADI TALUK,
RAMANAGARA DISTRICT
RAMANAGAR-562159.

...RESPONDENTS

(BY SMT.SPOORTHI V., HCGP FOR R1 AND R2;
SRI. ABHINAY Y.T., ADVOCATE FOR R3 AND R4;
SRI. B.J. SOMAYAJI, ADVOCATE FOR R5;
SRI. KARTHIK V., ADVOCATE FOR R6)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS OF THE SECOND GENERAL MEETING OF NETHANAHALLI GRAMA PANCHAYATH PASSED BY R6 HELD ON 04.07.24 IS ILLEGAL, INVALID UNSUSTAINABLE AND CONTRARY TO THE PROVISION OF SEC. 53(1) OF KARNATAKA GRAM PANCHAYATH ACT 1993 AT ANNEXURE-A.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE B M SHYAM PRASAD

**ORAL ORDER**

The petitioners are the members of Nethanahalli Grama Panchayat, Magadi Taluk, Ramanagar District. The petitioners have called in question the Panchayat's Resolution dated 04.07.2024 *[Annexure-A]* which is hereafter referred to as *'the Resolution'*. The petitioners challenge the Resolution on the ground that it is without the necessary quorum, to enable revocation of suspension of an employee who is the husband of one of the members, to issue tender in favour of a relative and to issue e-Khatha for the properties outside the jurisdiction.

2. This Court, considering these grounds, has granted interim order on 16.10.2024 staying operation of the Resolution dated 04.07.2024 insofar as revocation of suspension and issuance of tender. The pleadings are now complete and in fact the third

and fourth respondents have filed statement of objections with enclosures and an application for vacating the interim order. Sri Gopal, the learned counsel for the petitioners, and Sri Abhinay Y.T. the learned counsel for the third and fourth respondents, and Smt. Spoorthi V., a learned High Court Government Pleader for the first and second respondents, are heard for disposal of the petition.

3. The petitioners contend that the total strength of the panchayat is 16 and that on 04.07.2024, the members present were less than the minimum quorum of 8. Sri Abhinay Y.T, to refute this contention, relies upon the Resolution which indicates the presence of 8 persons and the photographs taken with the coordinates including the date. In fact, the petitioner and these respondents have produced two sets of photographs to buttress their respective cases.

4. It remains undisputed that in terms of the Government Order dated 07.08.2023 proceedings of the Panchayat must be video recorded with the thumb expression of the members attending the proceedings. This panchayat has also facilities to record the proceedings and the proceedings on 04.07.2024 are recorded. Sri Gopal submits that the respondents have relied upon manipulated photographs to indicate the petitioners' participation.

5. On reading of the Resolution and the photographs with the explanation that the petitioners rely upon the photographs taken when some of the members left to attend the nature call or to attend phone calls, this Court is of the view that these aspects cannot be considered in these proceedings to arrive at a definite conclusion and the petitioners must avail remedy as would be permissible under the statute.

6. Therefore, this Court must dispose of the petition, and while disposing of the petition reserving liberty to the petitioners to avail statutory remedy, this Court must also record the respondents' contention that the decision to suspend the sixth respondent's husband is taken on 13.07.2023 and on 04.07.2024 a request for reconsideration of this decision is deferred and that the Panchayat's decision for application for funds to executing work will not be conclusive as all decisions would be taken, including the decision to issue tender, by the Taluka Panchayat .

The petition stands disposed of accordingly.

**Sd/-**
**(B M SHYAM PRASAD)**
**JUDGE**

SA
ct:sr