HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 22 OF 2026 (LB-RES)

BETWEEN:

MR. SRI NARASAIAH
S/O HANUMANTHAIAH
AGED ABOUT 50 YEARS,
SOMALAPURA
SOMALAPURA POST.
NITTURU HOBLI, GUBBI TALLUKU.
TUMKURU-572 222.

…PETITIONER

(BY SRI. V RAJAIAH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF RURAL DEVELOPMENT
AND PANCHAYAT RAJ,
REPRESENTED BY PRINCIPAL SECRETARY,
M.S. BUILDING, 3RD FLOOR, 3RD GATE,
BENGALURU, KARNATAKA-560 001.

2. ASSISTANT COMMISSIONER,
FIRST FLOOR, MINI VIDHANA SOUDHA,
TUMKUR -572 101.

3. THE CHIEF EXECUTIVE OFFICER
ZILLA PANCHAYATH,
TUMAKURU-5 72 101

4. MUGANAYAKANAKOOTE GRAMA PANCHYATH.
REPRESENTED BY

Digitally signed by SHWETHA RAGHAVENDRA
Location: HIGH COURT OF KARNATAKA

PANCHAYTH DEVELOPMENT OFFICER.
NITTURU HOBLI, GUBBI TALUKU
TUMKURU-572 130.

5. MR DILEEP
S/O RENUKAIAH.
AGED ABOUT 45 YEARS
MEMBER OF M N KOTE GRAMAPANCHAYATH.
MN KOTE POST, NITTUR HOBLI, GUBBI TALUK,
TUMKUR DIST-572 222

6. RAVISH KUMAR
S/O VENKATARANGIAH,
AGED ABOUT 45 YEARS
GRAMA PANCHAYAT MEMBER M.N KOTE,
NITTUR HOBLI, GUBBI TALUK,
TUMKUR DISTRICT-572 227

7. SIDDARAMAIAH
S/O LATE RUDRANNA
AGED ABOUT 55 YEARS
GRAM PANCHAYAT MEMBER,
UDDEHOSAKERE SOMALAPUR POST,
NITTUR HOBLI, GUBBI TALUK,
TUMKUR DISTRICT-572 222.

8. SMT. BHAGYAMMA
W/O THIMMAYYA
AGED ABOUT 40 YEARS
GRAMA PANCHAYAT MEMBER UDDEHOSAKERE,
SOMALAPURA POST, NITTUR HOBLI, GUBBI TALUK,
TUMKUR DISTRICT-572 222.

9. SHRI SIDDAGANGAYYA
S/O LATE MARIYANNA,
AGED ABOUT 50 YEARS
GRAMA PANCHAYAT MEMBER MALLENAHALLI
(MALLENAHALLI HATTI)
SOMALAPURA POST, NITTUR HOBLI,
GUBBI TALUK, TUMKUR-572 222

10. SHIVAMURTHY .I K,
S/O LATE KARERAMAYYA,
AGED ABOUT 45 YEARS
GRAM PANCHAYAT MEMBER EDAKANAHALLI,
SOMALAPUR POST, NITTUR HOBLI, GUBBI TALUK,
TUMKUR DISTRICT- 572 222
SOMALAPUR POST, NITTUR HOBLI,
GUBBI TALUK, TUMKUR DISTRICT-572 222.

11. LOKESH M.R.
AGED ABOUT 40 YEARS
GRAM PANCHAYAT MEMBER MATTIKERE
SOMALAPUR POST, NITTUR HOBLI,
GUBBI TALUK, TUMKUR DISTRICT-572 222

12. SHASIKALA P.S
W/O YOGISH
AGED ABOUT 40 YEARS
GRAM PANCHAYAT MEMBER HALASINA
NAGENAHALLI, M.N KOTI POST,
NITTUR HOBLI, GUBBI TALUK,
TUMKUR DISTRICT-572 222

13. SMT. UMA
W/O KENAIAH.
AGED ABOUT 40 YEARS
M.S. KOTE GRAM PANCHAYAT MEMBER
M.N. KOTE POST, NITTUR HOBLI,
GUBBI TALUK, TUMKUR DISTRICT-572 222

14. SIDDAGANGAMMA H.B,
W/O KALLAPPA
AGED ABOUT 48 YEARS
VICE PRESIDENT M.N KOTE GRAM PANCHAYAT.
M.N KOTE POST, NITTUR HOBLI,
GUBBI TALUK, TUMKUR-572 222.

15. MOHAN M.V
S/O VENKATESAIAH.
AGED ABOUT 40 YEARS
GRAM PANCHAYAT MEMBER M.N. KOTI,

M.N. KOTI POST, NITTUR HOBLI,
GUBBI TALUK, TUMKUR DISTRICT-572 222

16. MRS. DIVYA K.
C/O VENKATESH.
AGED ABOUT 40 YEARS
GRAMA PANCHAYAT MEMBER UDREHOSAKERE.
SOMLAPUR POST, NITTUR HOBLI, GUDDA TALUK,
TUMKUR DISTRICT-572 222.

17. SMT. KAVITA
C/O. BASAVARAJU,
AGED ABOUT 35 YEARS
GRAM PANCHAYAT MEMBER IDAKANAHALLI.
TUMKUR DISTRICT-572 221

…RESPONDENTS

(BY SMT. PRATHIMA HONNAPURA, AAG ALONG WITH
SRI. BOPPANNA BELIYAPPA, AGA FOR R1 & R2,
SRI. A. NAGARAJAPPA, ADVOCATE FOR R3 & R4
VIDE ORDER DATED 07.01.2026 NOTICE TO R5 TO R17
DISPENSED WITH)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTICE E L N (GU)C R 42/25-26 IS PRODUCED VIDE ANNX-C ISSUED ON 16.12.2025 BY R-2 CONVENING MEETING OF NO CONFIDENCE MOTION AGAINST PETITIONER / PRESIDENT OF NITTURU GRAM PANCHAYAT / R-3 ON 09.01.2026 VIDE ANNX-C.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking the following reliefs:

> "Issue a writ of certiorari quashing the notice ಇ ಎಲ್ ಏನ್ (ಗು) ಸಿ ಆರ್ : 42/25–26 is produced vide Annexure 'C' issued on 16.12.2025 by Respondent No.2., convening meeting of No Confidence Motion against Petitioner/President of Nitturu Gram Panchayat/Respondent No.3 on 09.01.2026 vide Annexure-C."

2. The petitioner was elected as Adyaksha of respondent No.4 - Muganayakanakote Grama Panchayath on 12.08.2024. A no confidence motion having been moved earlier was challenged before this Court in WP.No.28716/2025 and this Court, vide order dated 12.12.2025 had allowed the said writ petition and set aside the notice issued for convening the meeting to consider the no confidence motion since the period of 15 months had not expired as on the date on which the no confidence motion was moved and as such, the petitioner was protected under Section 49 of the Karnataka Gram Swaraj and

Panchayat Raj Act, 1993 (for brevity, "**the 1993 Act**"). Thereafter, another notice having been issued by respondent No.2 on the basis of requisition submitted by 13 members fixing the date of the meeting as 09.01.2026 at 11 a.m., the petitioner is before this Court challenging the said notice.

3. The contentions of Sri V. Rajaiah, learned counsel for the petitioner, are –

3.1. That the period of 15 months is still not expired as on the date on which the requisition was moved.

3.2. That before even the certified copy of the order dated 12.12.2025 passed in WP.No.28716/2025 was uploaded, a requisition was submitted by the members, and as such, the same is not sustainable.

3.3. That some of the members are facing proceedings under Section 43A of the 1993 Act

for their removal and as such, no motion for no confidence could be moved by them.

4. Learned Additional Advocate General appearing for respondent Nos. 1 and 2 submits that:

4.1. The elections having been held on 12.08.2024, the period of 15 months has expired on 11.11.2025, and the requisition having been moved thereafter, the protection under Section 49 of the 1993 Act would not be applicable in the present case.

4.2. Secondly, she submits that there is no particular embargo under Section 43A of the 1993 Act for the members of the Gram Panchayat to exercise their democratic right in moving a no-confidence motion merely because they are facing proceedings under Section 43A of the 1993 Act.

4.3. Lastly, she submits that the uploading of the certified copy of the order passed in WP.No.28716/2025 is of no relevance insofar as mothe tion for no confidence having been moved, since the order was dictated in the open Court on 12.12.2025 and the no confidence motion hawasoved on 15.12.2025.

5. Heard Sri V.Rajaiah, learned counsel for the petitioner, Smt.Prathima Honnapura, learned AAG, along with Sri Bopanna Beliyappa, learned AGA for respondents 1 and 2 and Sri A.Nagarajappa, learned counsel for respondents 3 and 4. Perused the papers.

6. The points that would arise for consideration are:

(1) Whether a member facing proceedings under Section 43A of the Karnataka Gram Swaraj and Panchayath Raj Act, 1993 is disentitled from moving a motion for no confidence against the Adhyaksha or Upadhyaksha under the Karnataka

Panchayath Raj (motion of no confidence against Adhyaksha and Upadhyaksha) Rules, 1994?

(2) Whether a second motion for no confidence could be moved after the expiry of 15 months of the election of the Adhyaksha or Upadhyaksha, when the first motion having been moved within 15 months?

(3) What order?

7. **<u>Answer to Point No.1</u>:** ***Whether a member facing proceedings under Section 43A of the Karnataka Gram Swaraj and Panchayath Raj Act, 1993 is disentitled from moving a motion for no confidence against the Adhyaksha or Upadhyaksha under the Karnataka Panchayath Raj (motion of no confidence against Adhyaksha and Upadhyaksha) Rules, 1994?***

7.1. Though learned counsel for the petitioner has contended that some of the members of the panchayat are facing proceedings under Section 43A of the 1993 Act and therefore, they cannot move a motion for no confidence, a perusal of Section 43A of the 1993 Act does not disclose any such embargo. Section 43A of the 1993 Act

only provides for a situation where the Government or an authority authorized by the Government, if it thinks fit on the recommendation of the Grama Panchayath or otherwise, remove any member, after giving an opportunity of being heard and after such enquiry as it deems necessary.

7.2. Merely because proceedings have been initiated under Section 43A of the 1993 Act would not result in such removal. The process and procedure prescribed under Section 43A of the 1993 Act is required to be followed by the Government or an authority authorised by the Government.

7.3. If at all such a proceeding culminate in the removal before the meeting for no confidence is held, obviously such a person who has been removed cannot participate in the said meeting and vote at the meeting. However, if no

removal were to happen before the meeting and that the proceedings under Section 43A of the 1993 Act are dropped against such person, such person cannot be prevented from participating in any of the meetings of the Grama Panchayat.

7.4. In fact, a perusal of Section 43A of the 1993 Act does not also indicate that if proceedings are pending under Section 43A of the 1993 Act, a member of the Grama Panchayat is prevented from participating in the affairs of the Grama Panchayat. Thus, looked at from any angle, the membership of the Grama Panchayat continues so long as the removal is not made by following the due procedure under Section 43A of the 1993 Act.

7.5. Thus, it cannot be said that merely because proceedings under Section 43A of the 1993 Act have been initiated, such a member cannot

submit a requisition or be a part of the requisition for moving a motion of no confidence against Adhyaksha or Upadhyaksha.

7.6. Hence, I answer point No.1 by holding that even if the proceedings are pending under Section 43A of the 1993 Act, the same would not be an embargo for such a member to move a motion for no confidence against the Adhyaksha or Upadhyaksha.

8. **Answer to Point No.2**: ***Whether a second motion for no confidence could be moved after the expiry of 15 months of the election of the Adhyaksha or Upadhyaksha, when the first motion having been moved within 15 months?***

8.1. Learned counsel for the petitioner contends that earlier a motion for no confidence had been moved on 04.09.2025 and the notice was issued on 06.09.2025 fixing the meeting on 30.09.2025. It is in that background that the Co-ordinate Bench of this Court considering

that the election having occurred on 12.08.2024, such a motion for no confidence cannot be moved within a period of 15 months of such election, had allowed the writ petition and quashed the motion for no confidence as also notice of the meeting.

8.2. At present, what can be seen is that the petitioner has been elected as the Adhyaksha on 12.08.2024 and the period of 15 months had expired on the midnight of 11.11.2025. The requisition which has been moved in the present matter is on 15.12.2025, which is after the expiry of a period of 15 months.

8.3. Merely because an earlier requisition was moved within a period of 15 months and that requisition had been quashed, in my considered opinion, cannot disentitle the members of the Panchayath for moving a second motion after the expiry of 15 months since the embargo

prescribed under Section 49 of the 1993 Act will no longer be applicable.

8.4. Hence, I answer point No.2 by holding that even if first requisition of no confidence were to be quashed on account of it being barred under Section 49 of the 1993 Act, a subsequent motion for no confidence can be moved after the expiry of 15 months from the date of election.

9. **Answer to Point No.3:** What Order

9.1. In view of my findings as regards point Nos.1 and 2, I am of the considered opinion that there are no grounds made out. The petition therefore stands ***dismissed*** at the stage of admission itself.

SD/-
(SURAJ GOVINDARAJ)
JUDGE

PKS, List No.: 1 Sl No.: 3