

[3331]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE TWENTY FOURTH DAY OF MARCH,
TWO THOUSAND AND TWENTY SIX



:PRESENT:
THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 7543 OF 2026

Between:

Gajjala Prasad Reddy, S/o. G.Suryanaryan Reddy, Aged about 55 years, Occupation: President of Amadagur Mandal, Praja parishad, Puttaparthi Constituency, Sri Satya Sai District.

...Petitioner

AND

1. The State of Andhra Pradesh, Panchayath Raj Department, Principal Secretary, Tadepalli, Guntur.522501
2. The Commissioner, Panchayath Raj Department, Tadepalli, Guntur. 522501
3. District Collector, Sri Satya Sai District. 515134
4. Revenue Divisional Officer, Puttaparthi, Sri Satya Sai District. 515134
5. Mandal Parishad Divisional Officer, Amadagur, Sri Satya Sai District. 515556
6. V. Gangulamma, W/o Timmappa, Aged unknown, Occupation: Vice-President, Amadagur Mandal, Praja Parishad, Puttaparthi Constituency, Sri Satya Sai District, Resident of Kammavaripalli, Chinaganipalli, Sri Satya Sai District. 515501
7. K. Venkatalakshmi, W/o Anjinappa, Aged unknown, Occupation: Member, Amadagur Mandal Praja Parishad, Puttaparthi Constituency,

R/o. 12-13B, Mohammadabad, Village, Amadagur Mandal, Sri Satya Sai District. 515556

8. M. Kalavathi, W/o Sriramulu, Aged unknown, Occupation: Member, Amadagur Mandal Praja Parishad, Puttaparthi Constituency, R/o. D.No. 10-38, Gajulapalli Village, J.K.Kottapalli, Amadagur Mandal, Sri Satya Sai District. 515556
9. K. Jayamma, W/o Nagaraju, Aged unknown, Occupation Vice-President, Amadagur Mandal Praja Parishad, Puttaparthi Constituency R/o. D.No. 14-132, Kandukurupalli village, Amadagur Mandal, Sri Satya Sai District. 515556
10. S. Sakunthamma, Aged about unknown, Occupation Member Amadagur Mandal Praja Parishad, Puttaparthi Constituency R/o Pulakuntapalli Village, Amadagur Mandal, Sri Satya Sai District 515556

...Respondents

Petition under Article 226 of the Constitution of India, is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate order or direction more particularly one in the nature of Writ of Mandamus declaring the Notice in Form-I, dated 16.02.2026 submitted by the Respondents No.6 to 10 moving a motion for want of confidence against President of Amadagur Mandal Praja Parishad and the consequential action of the Respondent No.4 in issuing notice in Form-V in Rc.No.92/2026, as a dated 05.03.2026 (Served on 11.03.2026 through whatsapp) exercising the powers under Section.245 of AP.Panchayath Raj Act, 1994 convening a meeting for want of confidence on 28.03.2026, even though the same is prohibited under section 245 of the, even though moving a second motion of confidence during the substitute of first motion of confidence is barred under section 245 of Andhra Pradesh Panchayath Raj Act, 1994 as arbitrary, illegal. one without jurisdiction colourable exercise of power and contrary to the well-established legal principles apart from being violative of

the fundamental and Constitutional Rights guaranteed to us under Articles 14, 19, 21 and 243 of the Constitution of India and consequently set aside the Notice in Form-I, dated 16.02.2026 submitted by the Respondents No.6 to 10 moving a motion for want of confidence against as a President of Amadagur Mandal Praja Parishad and the Form-V in Rc.No.92/2026, dated 05.03.2026 (Served on 11.03.2026) issued by the respondent No.4 convening a meeting on 28.03.2026;

IA NO: 1 OF 2026

Petition under Section 151 CPC., is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in pursuance of Notice in Form-I, dated 16.02.2026 submitted by the Respondents No.6 to 10 moving a motion for want of confidence against as a President of Amadagur Mandal Praja Parishad and the Form-V in Rc.No.92/2026, dated 05.03.2026 (Served on 11.03.2026) issued by the respondent No.4 convening a meeting on 28.03.2026, pending disposal of the above Writ Petition;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. B. ABHAY SIDDHANTH MOOTHA, Advocate for the Petitioner and of GP FOR PANCHAYAT RAJ & RURAL DEV, for the Respondent Nos.1 to 4 and of Sri. M. SUDHIR STANDING COUNSEL, for the Respondent No.5;

The Court made the following ORDER:

Learned Government Pleader for Panchayat Raj & Rural Development takes notice on behalf of the respondents 1 to 4 and seeks time to get the instructions.

2. Sri M.Sudhir, learned standing counsel, takes notice on behalf of the 5th respondent, offers to file vakalat and seeks time to file counter affidavit.

3. Learned counsel for the petitioner is permitted to take out personal notice to the respondents 6 to 10 by RPAD and file proof of service.
4. Heard, Sri Abhay Siddanth, learned counsel appeared for the petitioner and Sri P.Rajesh, learned Assistant Government pleader and Ms. Kavitha, learned counsel representing Sri M.Sudheer learned standing counsel for the 5th respondent.
5. Assailing the notice in Form-1 dated 16.02.2026 (Ex.P1) submitted by the respondents 6 to 10 moving motion for want of confidence against the petitioner and the consequential notice Form-5 issued by the 4th respondent vide Rc.No.92/2026, dated 05.03.2026 (Ex.P2), served on the petitioner on 11.03.2026 through Whatsapp, (as per the averments in the affidavit), the petitioner, the President of Amadagur Mandal Praja Parishad, Puttaparthi Constituency, Sri Satya District, filed the above writ petition.
6. Learned counsel for the petitioner would submit that as per Rule 3 of the Rules Relating to Motion of No Confidence in the Upa-Sarpanch of Gram Panchayat or President/Vice-President of Mandal Parishad or Chairman/ViceChairman of Zilla Parishad, issued *vide* G.O.Ms.No.200, Panchayat Raj and Rural Development (Manual-II), Department dated 28.04.1998, a meeting has to be convened in 30 days from the date on which the notice in Form-2 was delivered to the 4th respondent-Revenue Divisional Officer. He would submit that the notice Form-1 (Ex.P1) is dated 16.02.2026. Thereafter, the 4th respondent issued Form-5 dated 05.03.2026, fixing the date of the meeting on 28.03.2026 beyond 30 days and thus violates Rule 3 procedure. Thus, learned counsel for the petitioner would submit that the meeting scheduled on 28.03.2026 is beyond 30 days and hence, it cannot be conducted after 30 days. He would also submit that earlier on 2 occasions, the respondents 6 to 10 expressed their intention by way of Form-1. In respect of the first notice in Form-5, the petitioner filed W.P.No.34336 of 2025, and the coordinate Bench of this Court granted an interim order pointing out a violation of

Rule 3. He would submit that, again, another notice was issued; however, the meeting was not convened thereafter, the notice under Ex P.1 is the 3rd notice.

7. Learned counsel for the petitioner would submit that, as per 245 (2) of the A.P. Panchayat Raj Act, 1994, no such notice (Form-1) shall be made against the same person more than once during his term of office. Since 2 notices, before the present notice, were already issued, the present 3rd notice, impugned in this writ petition, is contrary to Section 245 (2) of the Act. On this ground also, the notice in Form I and the consequential notice in Form-V are liable to be set aside. ✓

8. Now, the points that arise for consideration are:

i) Whether the intention to make a motion in Form-1 under Rule 2 of the Rules, in the absence of a motion carried away, is sufficient to attract the second proviso to Section 245 of the Act or not? If so,

ii) Whether the intention of the respondents 6 to 10 in submitting fresh Form-1 dated 16.02.2026 aligns with the scheme of the Act and the Rules made thereunder?

9. Since the points framed above, apart from the other incidental, have legal importance, this Court intends to examine the same comprehensively. The other incidental questions, which may arise, will be considered during the course of the hearing. ✓

10. Therefore, as an interim measure, this court deems it appropriate to pass the following order. ✓

11. Let the motion scheduled on 28.03.2026 go on. The 4th respondent shall not declare the result of the No Confidence Motion scheduled on 28.03.2026. The 4th respondent shall submit the report to this Court in a sealed cover. The result of the motion is subject to the result of the writ petition. ✓

12. The 4th respondent shall file a counter affidavit explaining the reasons for fixing the date of the meeting on 28.03.2026 i.e. beyond 30 days of receipt of Form-1, by issuing Form-5 dated 05.03.2026.

13. Sri P.Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj, shall inform the 4th respondent about the interim order passed by this Court, forthwith.

14. List the matter on 06.04.2026.

//TRUE COPY//

SD/- M.PRABHAKARA RAO
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Revenue Divisional Officer, Puttaparthi, Sri Satya Sai District. 515134 (by SPEED POST)
2. One CC to Sri. B.ABHAY SIDDHANTH MOOTHA, Advocate [OPUC]
3. Two CCs to GP FOR PANCHAYAT RAJ & RURAL DEV, High Court Of Andhra Pradesh. [OUT]
4. One CC to Sri. M. SUDHIR STANDING COUNSEL [OPUC]
5. One spare copy

JSS

HIGH COURT

SRS, J

DATED:24/03/2026

LIST THE MATTER ON 06.04.2026.

ORDER

WP.No.7543 of 2026

DIRECTION

