



**IN THE HIGH COURT OF KARNATAKA,
KALABURAGI BENCH**

DATED THIS THE 13TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.G.S.KAMAL

WRIT PETITION NO. 202759 OF 2025 (LB-ELE)

BETWEEN:

SMT. SUMITRABAI W/O BABURAO,
AGED ABOUT 58 YEARS, OCC: HOUSEWIFE AND
PRESIDENT GRAM PANCHYATH KURIKOTA,
R/O. KURIKOTA, TQ. KAMALAPUR AND
DIST. KALABURAGI.

...PETITIONER

(BY SRI SANTOSH HANMANTHARAO, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY DEPARTMENT OF
RURAL DEVELOPMENT AND PANCHAYAT RAJ,
M S BUILDING, BENGALURU-560001.
2. ADDITIONAL CHIEF SECRETARY TO
THE GOVERNMENT
(PANCHAYAT RAJ) DEPARTMENT OF RURAL
DEVELOPMENT AND PANCHAYAT RAJ,
M S BUILDING, BENGALURU-560001.
3. THE REGIONAL COMMISSIONER AND
ENQUIRY OFFICER KALABURAGI DIVISION,

Digitally signed by
SACHIN
Location: HIGH
COURT OF
KARNATAKA



KALABURGI-585101.

4. THE DEPUTY COMMISSIONER,
KALABURAGI, DIST. KALABURAGI- 585101.
5. CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYAT, KALABURAGI-585102.
6. EXECUTIVE OFFICER,
TALUKA PANCHAYAT, KAMALAPUR, TQ KAMALAPUR,
DIST. KALABURAGI-585313.
7. GRAM PANCHAYAT
KURIKOTA VILLAGE, TQ. KAMALAPUR AND
DIST. KALABURAGI,
BY ITS PANCHAYAT DEVELOPMENT OFFICER-585313.

...RESPONDENTS

(BY SRI SHESHADRI JAISHANKAR, AGA FOR R1 TO R4;
SRI KRUPA SAGAR PATIL, ADVOCATE FOR R5 TO R7)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR DIRECTION TO QUASH THE IMPUGNED ORDER OF THE GOVERNMENT IN FILE NO. GRA.A.PA/434/GPA 2024 DATED 08.07.2025 PASSED BY THE 2ND RESPONDENT, THE COPY OF WHICH HAS BEEN PRODUCED AT ANNEXURE-A. B) ANY OTHER WRIT OR DIRECTION IN THE NATURE OF WRIT WHICH THIS COURT DEEMS FIT TO GRANT IN THE FACTS AND CIRCUMSTANCES OF THE CASE MAY BE GRANTED IN FAVOUR OF THE PETITIONER.

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

CORAM: HON'BLE MR. JUSTICE M.G.S.KAMAL



ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.G.S.KAMAL)

Petitioner who was an elected member as well as President of respondent No.7 – Grama Panchayat, Kurikota village is before this Court aggrieved by the order dated 08.07.2025 produced at Annexure-A which is passed by respondent No.2 removing the petitioner from the membership of the said Grama Panchayat as well as disqualifying her from contesting elections for a period of six years in terms of Section 43-A(1), 43-A(2) and Section 48(4) of the Karnataka Grama Swaraj and Panchayat Raj (Amendment) Act, 1993 [hereinafter referred to as the 'Act, 1993'].

2. The brief facts of the case are that petitioner claims to have been elected as a member of respondent No.7 - Grama Panchayat on 30.12.2020 and she was elected as a President of the said Grama Panchayat on 03.08.2023 for the second term. That she was discharging her duties and functions without any blemish. However, a



false and frivolous complaint had been filed by Sri Ambaraya S. Kamble, alleging that son of the petitioner, one Amruth Sagar had received a sum of Rs.10,000/- in terms of cheque bearing No.876489 from respondent No.7 - Grama Panchayat in his personal name. That based on the said complaint, respondent No.5 - Chief Executive Officer had called for the report from respondent No.6 - Taluka Executive Officer. That without verifying the allegation made by said Ambaraya S. Kamble as to whether the said cheque amount was received for personal gain or otherwise, and without even providing an opportunity enabling the petitioner to give any clarification, respondent No.5 had submitted the report to respondent No.3 - Regional Commissioner to take action against the petitioner in terms of Section 43-A of the Act, 1993. Pursuant to which, respondent No.3 - Regional Commissioner issued a show-cause notice to the petitioner. Petitioner issued reply with all necessary documents to the said notice. That respondent No.3 -



Regional Commissioner, without providing any opportunity to the petitioner, had submitted the report to the Chief Executive Officer, Zilla Panchayath, Kalaburagi, recommending the Government to remove the petitioner from her post. In the meanwhile, respondent No.3 on receipt of the reply from the petitioner had passed the order dated 12.07.2024 directing the Chief Executive Officer, Kalaburagi to drop the case at this stage by recovering a sum of Rs.10,000/- and to deposit the same before the Government. That after receipt of the said report from respondent No.3 – Regional Commissioner, respondent No.2, without even issuing any notice and without providing any opportunity to the petitioner of being heard, passed the impugned order, aggrieved by which, the petitioner is before this Court.

3. Learned counsel for the petitioner reiterating the grounds urged in the memorandum of petition, submits that the order impugned in the present petition is contrary to principle of natural justice. He submits that



serious allegation of misappropriation of funds by the son of the petitioner is made and when the petitioner is directed to be removed from the post and disqualified from contesting the election, respondent No.2 could not have passed such an order without providing sufficient opportunity to the petitioner of being heard. That apart from breach of principle of natural justice, the fundamental right of the petitioner guaranteed by the Constitution of India have also been violated. Hence, the petition.

4. In response, the learned Additional Government Advocate appearing for the respondents – State furnishes a copy of the notice dated 08.10.2024 issued from the office of respondent No.2 addressed to the petitioner herein intimating the date of hearing as 30.10.2024 at 11.00 a.m. along with a letter purportedly issued by the petitioner addressed to respondent No.2 which is dated 02.12.2024 requesting not to pass any order without hearing her. Referring to these two documents, learned



AGA submits that the only contention urged by the petitioner of she not having been issued with a notice is untenable. He submits that the petitioner herself on receipt of the notice of hearing, had sought for adjournment of the matter, which indicates that the petitioner was given sufficient opportunity of being heard. Therefore, he submits that the petition is misconceived and seeks for dismissal of the petition.

5. Heard. Perused the records.

6. The facts narrated above do not require reiteration. Though the petitioner contended no notice of hearing were issued by the respondent No.2, perusal of the copy of the notice now furnished by the learned AGA indicate that the petitioner was indeed issued with a notice dated 08.10.2024 intimating the date and time of hearing as 30.10.2024 at 11.00 a.m. Though another document furnished by learned AGA indicate petitioner herein purportedly issuing a letter dated 02.12.2024, perusal of



which would indicate that the petitioner had sought for adjournment of the matter on the premise of she receiving the notice dated 08.10.2024 from respondent No.2 on 30.10.2024 instant, the very date on which the hearing date was fixed. She has pleaded she being illiterate could not appear on the hearing date as she had received the notice on the very hearing date. As such, she had requested not to proceed *ex-parte* without hearing her.

7. The aforesaid contents of the second document produced by learned AGA are self explanatory require no justification. In that though respondent No.2 seemed to have issued the notice on 08.10.2024, the same is received by the petitioner on the day when the hearing was fixed. Considering the consequences of the order passed at Annexure-A which is as noted above, the notice dated 08.10.2024 does not appear to be a sufficient notice as contemplated under law. A notice which is received on the hearing day cannot be considered as a sufficient notice



as the petitioner admittedly could not appear for paucity of time.

8. In that view of the matter, the following:

ORDER

- (a) The petition is ***allowed***.
- (b) Order impugned at Annexure-A dated 08.07.2025 passed by respondent No.2 is set aside.
- (c) Matter is remitted to respondent No.2. Petitioner is permitted to file statement of objection without expecting any further notice from respondent No.2. Such objections shall be filed before respondent No.2 within 30 days from the date of receipt of the certified copy of this order.
- (d) Respondent No.2 on receipt of such objections, fix the date of hearing, intimate the same to the petitioner.



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- (e) After affording sufficient opportunity, shall pass appropriate order in accordance with law.
- (f) Petitioner is entitled to seek such other relief as may be available before respondent No.2.

Sd/-
(M.G.S.KAMAL)
JUDGE

SWK
List No.: 1 Sl No.: 41
CT:PK