



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.202788 OF 2025 (LB-ELE)

BETWEEN:

G. SUGURAYYA
S/O HAMPAYYA SWAMY,
AGE: 38 YEARS, OCC: PRESIDENT OF GRAM
PANCHAYAT GANADINNI, TQ. SIRWAR,
R/O. GANADINNI VILLAGE, TQ. SIRWAR,
DIST. RAICHUR- 584129.

...PETITIONER

(BY SRI MAHANTESH PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF PANCHAYAT RAJ,
VIDHAN SOUDHA, BANGALORE,
BY ITS SECRETARY- 560001.
2. THE STATE ELECTION COMMISSIONER,
CUNNINGHAM ROAD, BANGALORE 560052.
3. THE DEPUTY COMMISSIONER
RAICHUR,
DIST. RAICHUR-584101.
4. THE ASSISTANT COMMISSIONER,
RAICHUR, DIST. RAICHUR-584101.

Digitally signed
by SACHIN
Location: HIGH
COURT OF
KARNATAKA



5. THE ELECTION OFFICER/
DESIGNATED OFFICER,
GRAM PANCHAYAT GANADINNI,
TQ. SIRWAR, DIST. RAICHUR- 584129.
6. PANCHAYAT DEVELOPMENT OFFICER
THE GRAM PANCHAYAT, GANADINNI,
TQ.SIRWAR, DIST. RAICHUR-584129.
7. SRI AMBANNA
S/O BUDEPPA MACHANUR,
AGE:42 YEARS,OCC: GRAM PANCHAYAT MEMBER
GANADINNI,
R/O. MACHANUR VILLAGE,
TQ.SIRWAR, DIST. RAICHUR-584129.
8. SMT. PARIJATAMMA
W/O MALLIKARJUN SINGADADINNI,
AGE:64 YEARS,OCC: GRAM PANCHAYAT MEMBER
GANADINNI,
R/O. SINGADADINNI VILLAGE,
TQ.SIRWAR, DIST. RAICHUR-584129.
9. SRI PRABHU
S/O NARASAPPA HOKRANI,
AGE:64 YEARS, OCC: GRAM PANCHAYAT MEMBER
GANADINNI,
R/O. HOKRANI VILLAGE,
TQ.SIRWAR, DIST. RAICHUR-584129.
10. SMT. VIJAYALAXMI
W/O VEERANAGOUDA MACHANUR,
AGE: 38 YEARS, OCC: GRAM PANCHAYAT MEMBER
GANADINNI,
R/O MACHANUR VILLAGE,
TQ.SIRWAR, DIST. RAICHUR-584129.
11. SMT. MALLAMMA
W/O ANJANAYYA MACHANUR,
AGE: 37 YEARS, OCC GRAM PANCHAYAT MEMBER
GANADINNI,



R/O MACHANUR VILLAGE,
TQ.SIRWAR, DIST. RAICHUR-584129.

12. SRI HANUMANT
S/O HULIGEPPA GANADINNI,
AGE: 44 YEARS, OCC: GRAM PANCHAYAT MEMBER
GANADINNI,
R/O. GANADINNI VILLAGE,
TQ. SIRWAR, DIST. RAICHUR-584129.
13. SMT. HANUMESHAMMA
W/O DANAPPA BEVINUR,
AGE:38 YEARS, OCC: GRAM PANCHAYAT MEMBER
GANADINNI,
R/O BENINUR VILLAGE,
TQ.SIRWAR, DIST. RAICHUR-584129.
14. SMT.HAMPAMMA W/O RAMANNA HOKRANI,
AGE: 59 YEARS, OCC: GRAM PANCHAYAT MEMBER
GANADINNI,
R/O. HOKRANI VILLAGE,
TQ. SIRWAR, DIST. RAICHUR-584129.
15. SMT. CHENNAMMA
W/O HUSSAINAPPA HOKRANI,
AGE: 68 YEARS, OCC: GRAM PANCHAYAT MEMBER
GANADINNI,
R/O. HOKRANI VILLAGE,
TQ. SIRWAR, DIST. RAICHUR-584129.
16. SRI HULIGEPPA
S/O NARASANNA HOKRANI,
AGE:62 YEARS, OCC: GRAM PANCHAYAT MEMBER
GANADINNI,
R/O. HOKRANI VILLAGE,
TQ. SIRWAR, DIST. RAICHUR- 584129.

...RESPONDENTS

(BY SRI MALHAR RAO AAG AND
SRI MALLIKARJUN SAHUKAR, AGA FOR R1, R3 AND R4;
SRI SUDARSHAN M., ADVOCATE FOR R2;



SRI GOURISH S. KHASHAMPUR, ADVOCATE FOR R6;
SRI ARUNKUMAR AMARGUNDAPPA, ADVOCATE FOR
R7 TO R16)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED REQUISITION DATED 01-09-2025 GIVEN BY THE RESPONDENT NO.7 TO 16 VIDE ANNEXURE-F; B) ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED NOTICE DATED 03-09-2025 ISSUED BY THE RESPONDENT NO.4 IN FORM-II VIDE ANNEXURE-G; AND C) ISSUE ANY WRIT, ORDER OR DIRECTIONS AS THIS COURT DEEMS FIT IN CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR ORDERS, 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)

This successive writ petition, puts in issue the manner and method essentially to have been complied with by the respondent No.4 – Assistant Commissioner keeping in mind the strict Rules of compliance with regard to proceedings of 'No-confidence motion' contemplated under Section 49 of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 [hereinafter referred to as 'the Act, 1993' for brevity] read with Rule 3 of the Karnataka



Gram Swaraj and Panchayat Raj (Motion of No-confidence against Adhyaksha and Upadhyaksha of Grama Panchayat) Rules, 1994 [hereinafter referred to as 'the Rules, 1994' for brevity].

2. Facts in brief are that the election to the members of Gram Panchayat of Ganadinni village, Sirwar Taluk, Raichur District was held on 30.12.2020. Petitioner herein was elected as the President of the Gram Panchayat on 03.08.2023. Members of the Gram Panchayat had moved 'No-confidence motion' against the petitioner on 05.12.2024. Respondent No.4 – Assistant Commissioner, in furtherance thereof, had issued notice fixing the date of 'No-confidence motion' on 04.01.2025. The meeting however, could not be conducted for want of quorum. Some of the members of the Gram Panchayat had approached this Court by filing a writ petition in W.P.No.200183/2025 questioning the meeting dated 04.01.2025. The said writ petition was dismissed reserving liberty to the petitioners therein to move fresh notice for



'No-confidence motion'. Accordingly, private respondents – members had moved 'No-confidence motion' and had given a written notice dated 01.09.2025 in Form No.I in this regard to the respondent No.4 - Assistant Commissioner in terms of Sub-rule (1) of Rule 3 of Rules, 1994 as found at Annexure-F. In furtherance thereof, the respondent No.4 - Assistant Commissioner had issued a notice dated 03.09.2025 in Form No.II as per Sub-rule (2) of Rule 3 of Rules, 1994 fixing the date for the 'No-confidence motion' as 20.09.2025 at 11.00 a.m. Being aggrieved, petitioner approached this Court by filing the present petition.

3. Learned counsel for the petitioner in principle urged two grounds. *Firstly*, the notice dated 01.09.2025 as per Annexure-F and the consequent notice dated 03.09.2025 issued by respondent No.4 – Assistant Commissioner as per Annexure-G are not in compliance with the Act, 1993 and the Rules, 1994 referred to above, in that it is specifically contended that the notice at Annexure-G dated 03.09.2025 fixing the date of meeting



as 20.09.2025, was served only on 09.09.2025 without giving required period of 15 days as contemplated under Sub-rule (2) of Rule 3 of the Rules, 1994. *Secondly*, the written notice at Annexure-F contains allegations against the petitioner which is impermissible under the Act, 1993 and Rules, 1994. Hence, seeks for allowing the writ petition.

4. In response, counsel appearing for the private respondents submits that non-compliance of the requirement of issuing written notice in Form-I and the consequent issuance of the notice in Form-II by respondent No.4 – Assistant Commissioner cannot be the ground in this writ petition inasmuch as this being the second round of litigation, the petitioner is well aware of the intended motion of No-confidence being pursued by the private respondents. Therefore, he submits that the petition cannot be considered on these technical grounds. Hence, seeks for dismissal of the petition.

5. Learned Additional Government Advocate appearing for the authorities fairly submits that there



appears to be anomaly in service of notice under Sub-rule (2) Rule 3 of the Rules, 1994. He submits that the private respondents are at liberty to move fresh motion and if done so, the same would be considered and pursued strictly in accordance with law.

6. Heard. Perused the records.

7. There is no dispute of the fact that the private respondents have indeed presented the written notice dated 01.09.2025 in Form-I as per Annexure-F pursuant to which respondent No.4 – Assistant Commissioner had issued notice dated 03.09.2025 in Form-II as per Annexure-G fixing the date for the 'No confidence motion' as 20.09.2025 at 11.00 a.m.

8. Specific ground urged in the writ petition at paragraph-12 by the petitioner is that the impugned notice dated 03.09.2025 produced at Annexure-G was served on the petitioner on 09.09.2025 which is clearly short of statutory period of 15 clear days as contemplated under



the aforesaid Rules. Nothing is produced by the respondents to counter the said ground.

9. Manner of issuance of notices required for moving 'No-confidence motion' and method of service with minimum notice period to be given is contemplated under proviso to Section 49 of Act, 1993 and Rule 3 of the Rules, 1994.

10. Section 49 of the Act, 1993 reads as under:

"49. Motion of no-confidence against Adhyaksha or Upadhyaksha of Grama Panchayat.- [(1)] Every Adhyaksha or Upadhyaksha of Grama Panchayat shall forthwith be deemed to have vacated his office if a resolution expressing want of confidence in him is passed by a majority of not less than two thirds of the total number of members of the Grama Panchayat at a meeting specially convened for the purpose in accordance with the procedure as may be prescribed:

Provided that no such resolution shall be moved unless notice of the resolution is signed by not less than [one-half] of the total number of members and at least ten days notice has been given of the intention to move the resolution: [Provided further that no resolution expressing want of confidence against an Adhyaksha or Upadhyaksha, shall be moved [within the first thirty months] from the date of his election:

Provided also that where a resolution expressing want of confidence in any Adhyaksha or Upadhyaksha has been considered and negatived by a Grama Panchayat a similar resolution in respect of the same Adhyaksha or Upadhyaksha shall not be given notice of, or moved, "[within two years] from the date of the decision of the Grama Panchayat.]



[(2) Notwithstanding anything contained in sub-section (1), no resolution expressing want of confidence against an Adhyaksha or Upadhyaksha, shall be moved except on specific allegation of misuse or abuse of power or authority in executing any scheme, action plan or direction of Government or project of the panchayat or of misappropriating funds or other assets of the panchayat during the term of his membership or otherwise indulging in corruption or misconduct in the course of exercising his functions.]”

11. Rule 3 of the Rules, 1994 reads as under:-

"3. Motion of No-confidence – (1) A written notice of intention to make the motion under the proviso to Section 49 shall be in Form I signed by not less than specified in Section 49(1) of the total number of members together with a copy of the proposed motion shall be delivered in person specified under sub-section (2) of Section 49, the allied particular allegations with notice enlisted in written witnesses and evidences submitted in person by any two of the members signing the notice to the Assistant Commissioner.

(2) The Assistant Commissioner shall thereafter convene a meeting for the consideration of the said motion at the office of the Grama Panchayat on the date appointed by him which shall not be later than thirty days from the date on which the notice under sub-rule (1) was delivered to him. He shall give to the members a notice of not less than fifteen clear days of such meeting in Form II: The Assistant Commissioner shall make sure that the allegations delivered are specific in the attached list of notice to prepare a report within seven days in respect of Taluk Panchayat Executive Officer:

Provided that where the holding of such meeting is stayed by an order of a Court, the Assistant Commissioner shall adjourn the said meeting and shall hold the adjourned meeting on a date not later than thirty days from the date on which he receives the intimation about the vacation of stay, after giving to the members, after giving to the members a notice of not less than fifteen clear days of such adjourned meeting.



(3) A notice in Form II shall be given to every member including the Adhyaksha and Upadhyaksha.-

(a) by delivering or tendering the said notice to such member; or

(b) if such member is not found, by leaving such notice at his last known place of residence or business within the Grama Panchayat or by giving or tendering the same to some adult member or servant of his family; or

(c) by registered posts; or

(d) if none of the means aforesaid be available, by affixing such notice on some conspicuous part of the house, if any, in which the member is known to have last resided or carried on business within the Grama Panchayat.

(4) The quorum for such meeting shall be two thirds of the total number of members of the Grama Panchayat. The Assistant Commissioner shall preside at such meeting.

Explanation.- For determination of two third of total number of members under this sub-rule any fraction arrived at shall be construed as one.

(5) Save as otherwise provided in the Act or these rules, a meeting convened for the purpose of considering a motion under sub-rule (2) shall not for any reason be adjourned.

(6) If there is no quorum, within one hour after the time appointed for the meeting, the meeting shall stand dissolved and the notice given under sub-rule (1) shall lapse.

(7) As soon as the meeting convened and sub-rule (2) commences the Assistant Commissioner shall read to the member of the Grama Panchayat, the motion for the consideration of which the meeting has been convened and shall put it to vote without any debate.



(8) The Assistant Commissioner shall not speak on the merits of the motion and he shall not be entitled to vote thereon.

(9) If the motion is carried by a majority of not less than two thirds of the total number of members of the Grama Panchayat, the Adhyaksha or Upadhyaksha, as the case may be, shall forthwith cease to function as such and the Assistant Commissioner shall, as soon as may be, notify such cessation on the notice board of the office of the Grama Panchayat and also inform the Adhyaksha or Upadhyaksha, as the case may be, regarding such cessation, if he is not present at the meeting.

(10) After the cessation is notified under sub-rule (9) the Adhyaksha or Upadhyaksha as the case may be shall, immediately hand over all documents, moneys or other properties of the Grama Panchayat in his custody to the Secretary of the Grama Panchayat.

(11) The election to the office of Adhyaksha or Upadhyaksha shall not be held until the notification under sub-rule (9) removing the Adhyaksha or Upadhyaksha, as the case may be, is published.”

12. Reading of Rule 3 of Rules, 1994 as extracted hereinabove explicitly makes it clear that a statutory duty is casted on the Assistant Commissioner, requiring him of being conscious and vigilant of his responsibilities. The Assistant Commissioner is required to ensure that written notice of intention to make a motion in Form-I is submitted in strict compliance to the provisions of Section



49 of the Act, 1993 and Sub-Rule(1) of Rule 3 of Rules, 1994.

13. Should he find any defect while receiving the written notice in Form-I, before receiving the same, it is always open for him to appraise the members who have presented it to strictly comply with the rules provided therefor.

14. On receipt of notice in Form-I, the Assistant Commissioner is required to ensure the strict compliance of time line and manner of effective service of notice in Form-II on the members including Adhyaksha and Upadhyaksha of the Gram Panchayat as mandate under Sub-Rules (2) and (3) of Rule 3 of Rules, 1994 as extracted above. Assistant Commissioner shall keep records and proof with regard to date and time of service of notice in Form-II.

15. The Assistant Commissioner cannot be expected to be oblivious of the aforesaid statutory requirements while discharging his duties. More often than not, process of no confidence motion would become subject matter of



unwarranted litigation solely on account of failure and dereliction of duty on the part of the Assistant Commissioner in complying with requirement of provisions of law referred to above. He cannot wriggle out of his statutory obligations by merely saying that he has no control over the members presenting the written notice in Form-I or by not ensuring the service of notice in Form-II as mandated under the aforesaid rules. Due compliance of the Rules would not only ensure achievement of the object and purpose of the legislation, which is, effective functioning of the democratic process at the Gram Panchayat level, but would also avoid unwarranted litigation constraining the parties to rush to Court.

16. This Court earnestly hope that necessary instructions / guidelines in this regard will be issued by the concerned Chief Secretary, Rural Development and Panchayat Raj Department to all the Assistant Commissioners across the State to ensure this anomaly be avoided in future and to hold them accountable for any lapses in complying with the requirements.



17. In the instant case respondent No.4 – Assistant Commissioner has failed to comply with the Rules regarding service of notice on the petitioner in not giving fifteen clear days notice of such meeting in Form-II.

18. In that view of the matter, without expressing anything on merits of the contentions or otherwise, the petition is ***disposed of*** reserving liberty to the private respondents to move the 'No-confidence motion', if so advised. Since the petition is disposed of, Annexures-F and G shall stand quashed.

Registry to send the certified copy of this order to the concerned authorities named above.

With the above observations, writ petition is ***disposed of.***

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

SWK
List No.: 1 Sl No.: 18
CT:PK