



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO.202910 OF 2025 (LB-RES)

BETWEEN:

1. PAVANKUMAR S/O M.VEERANNA
AGE: 40 YEARS OCC: COUNCILOR,
R/O WARD NO.12, RAICHUR-584101.
2. SRINIVAS REDDY S/O SRISHAILAPPA,
AGE: 57 YEARS, OCC: COUNCILER,
WARD NO.24, CMC RAICHUR-584101.
3. SANNA NARASAREDDY
S/O YELLAPPA,
AGE: 45 YEARS, OCC: COUNCILOR,
WARD NO.33, CMC RAICHUR-584101.
4. SRI. TIMMAPPA
S/O NAGINDRAPPA,
AGE: 53 YEARS, OCC: COUNCILER,
WARD NO.34 CMC RAICHUR-584101.
5. SRI. JINDAPPA S/O NARASAPPA,
AGE: 64 YEARS, OCC: COUNCILER,
WARD NO.22, CMC RAICHUR-584101.
6. V.NAGARAJ S/O SANNA BALAPPA,
AGE: 47 YEARS, OCC: COUNCILER,
WARD NO.3 CMC RAICHUR-584101.
7. DARUR BASAVARAJ PATIL
S/O SIDDANNAGOUDA,
AGE: 64 YEARS, OCC: COUNCILER,





WARD NO.10, CMC RAICHUR-584101.

8. SMT. NIKAT SALMA
W/O MOHAMMED SHALAM,
AGED 39 YEARS, OCC: COUNCILER,
WARD NO.08 CMC RAICHUR-584101.
9. SMT. SHAINAZ BEGUM
W/O G.H.HAJIBABU.
AGED 45 YEARS, OCC: COUNCILER,
WARD NO.26 CMC RAICHUR-584101.
10. SRI.N.K.NAGARAJ S/O K. NAGAPPA
AGE: 37 YEARS OCC: COUNCILER,
WARD NO.21, CMC RAICHUR-584101.
11. E.SHASHIRAJ S/O E. PANDURANG
AGE: 46 YEARS OCC: COUNCILER,
WARD NO.17, CMC MEMBER RAICHUR-584101.
12. B. RAMESH S/O BADESAB,
AGE: 45 YEARS, OCC: COUNCILER,
WARD NO.04 CMC RAICHUR-584101.
13. P.NAVANEETA
W/O P.SRINIVASREDDY,
AGE: 37 YEARS, OCC: COUNCILER,
WARD NO.27 CMC MEMBER RAICHUR-584101.
14. SMT. ANJANAMMA
W/O SHAMASUNDAR,
AGE: 40 YEARS, OCC: COUNCILER,
WARD NO.31 CMC MEMBER RAICHUR
15. SMT. REKHA
W/O MAHENDRA REDDY,
AGE: 35 YEARS, OCC: COUNCILER,
WARD NO.25 CMC MEMBER RAICHUR-584101.
16. SMT. SAROJAMMA
W/O DODDA MALLESHAPPA,



AGE: 50 YEARS, OCC; COUNCILER,
WARD NO.23 CMC MEMBER RAICHUR-584101.

17. SMT. BUJJAMMA
W/O SHANKAREPPA
AGE: 35 YEARS, OCC: COUNCILER,
WARD NO.6 CMC MEMBER RAICHUR-584101.

18. SMT. SWATI W/O HARIBABU,
AGE: 35 YEARS OCC: COUNCILER,
WARD NO.35 CMC MEMBER RAICHUR-584101.

19. SRI. SHARANABASAPPA BALLATAGI,
S/O CHANNABASAPPA,
AGE: 52 YEARS OCC: COUNCILER,
WARD NO.05 CMC RAICHUR-584101.

20. SMT. SAMEENA W/O MUKRAM
AGE: 50 YEARS OCC: COUNCILER,
WARD NO.32 CMC RAICHUR-584101.

21. SRI. NOOR PASHA S.
S/O ASHIMODDIN
AGE: 64 YEARS OCC: COUNCILER,
WARD NO.14 CMC RAICHUR-584101.

22. SMT. KAVITA W/O TIMMAREDDY
AGE: 40 YEARS OCC: COUNCILER,
WARD NO.28 CMC RAICHUR-584101.

23. SMT. KHURSHIDA BANU
W/O WAHID
AGE: 37 YEARS OCC: COUNCILER,
WARD NO.9 CMC RAICHUR-584101.

24. SRI. SHAJID SAMEER
S/O MASAR ALIF
AGE; 50 YEARS OCC: COUNCILER,
WARD NO.15 CMC
RAICHUR-584101.



25. SMT. UMA JANDAR
W/O RAVINDRA JANDAR,
AGE; 48 YEARS OCC: COUNCILER,
WARD NO.13 CMC RAICHUR-584101.
26. SMT. HEMALATHA
W/O P.BODEPPA
AGE: 40 YEARS OCC: COUNCILER,
WARD NO.19 CMC RAICHUR-584101.
27. JAYANNA
S/O SWAMIDAS
AGE: 65 YEARS, OCC: COUNCILER,
WARD NO.2 CMC RAICHUR-584101.
28. SMT. LALITA
W/O KADAGOL ANJANEYA,
AGE: 48 YEARS, OCC: COUNCILER,
WARD NO.18, CMC RAICHUR-584101.
29. SMT. NARASAMMA
W/O NARASIMHALU MADAGIRI,
AGE: 45 YEARS, OCC: COUNCILER,
WARD NO.20, CMC
RAICHUR-584101.

...PETITIONERS

(BY SRI.JAYAKUMAR S.PATIL, SR.COUNSEL FOR
SRI.RAVI B. PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH ITS UNDER SECRETARY,
DEPARTMENT OF URBAN DEVELOPMENT,
M.S.BUILDING,
BENGALURU-560 001
2. THE DIRECTOR OF MUNICIPAL ADMINISTRATION,
V.V.TOWER, DR.B.R.AMBEDKAR VEEDHI,
BENGALURU-560 001.



3. THE DEPUTY COMMISSIONER
D.C.OFFICE, LINGASUGURU ROAD,
RAICHUR-585 201.
4. THE COMMISSIONER
MUNICIPAL CORPORATION RAICHUR,
TQ. AND DIST. RAICHUR.
5. THE UNDER SECRETARY,
KARNATAKA STATE ELECTION COMMISSION,
NO.16, 2ND AND 3RD FLOOR,
BELLARY ROAD, SADASHIVA NAGAR,
BENGALURU-560080.

...RESPONDENTS

(BY SMT. PRATHIMA HONNAPURA, AAG A/W
SRI. MALLIKARJUN SAHUKAR, AGA FOR R1 TO R3;
SRI.GOURISH S.KHASHAMPUR, ADVOCATE FOR R4;
SRI. K. N. PHANINDRA, SR. COUNSEL FOR
SRI. SUDARSHAN M, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI TO QUASH THE IMPUGNED COMMUNICATION DATED 27.01.2025 ISSUED BY THE 5TH RESPONDENT AUTHORITY BEARING NO.SECK/ULB/OTHR/1/2025-ULB AS AT ANNEXURE-G AND CONSEQUENTIAL, ORDER DATED 26.03.2025 BEARING NO.NAAAE UDA 39 MLR 2025(E) AS AT ANNEXURE-H ISSUED BY THE 1ST RESPONDENT AUTHORITY DETERMINING THE DATE OF COMPLETION OF TENURE OF COUNCILORS AND CONSEQUENTIALLY, THE COMMITTEE INsofar AS RELATES TO AT SL.NO.174, AS CONTRARY TO SEC.3, 4 AND 503 OF KARNATAKA MUNICIPAL CORPORATION ACT AND ALSO CONTRARY TO SEC.18 AND SEC.315 OF KARNATAKA MUNICIPALITIES ACT, 1964. AA) ISSUE A WRIT OF CERTIORARI TO QUASH THE NOTIFICATION DATED 15.11.2025 BEARING NO.UDD-293 MLR 2025(E) DULY PUBLISHED IN THE OFFICIAL GAZETTE ON 19.11.2025 AS ANNEXURE-L ISSUED BY THE 1ST RESPONDENT AUTHORITY OF IN VIOLATION OF SECTION 503 OF KARNATAKA MUNICIPAL CORPORATION ACT AND ARTICLE 243-U OF THE



CONSTITUTION IN THE INTEREST OF JUSTICE, AB) ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT STATE TO PERMIT THE PETITIONER AND THE BODY IN ADMINISTRATION OF MUNICIPAL AREA TO CONTINUE THEIR TENURE TILL FORMATION OF NEW BODY UNDER SECTION 503(3)(A) OF THE MUNICIPAL CORPORATION ACT, 1976, IN THE INTEREST OF JUSTICE AND EQUITY. (AMENDMENT CARRIED OUT AS PER ORDER DATED 26.02.2026) B) DECLARE THAT THE DURATION OF THE TENURE OF THE ORDER DATED 08.05.2023 APPOINTING ADMINISTRATOR TO RAICHUR MUNICIPAL COUNCIL FROM 11.05.2023 TO 27.08.2024 SHALL NOT USURP THE TOTAL FIVE YEARS OF THE TENURE OF THE COUNCILORS. C) ISSUE WRIT OF MANDAMUS, DIRECTING THE RESPONDENTS NO.1 AND 5 TO CALCULATE THE FIVE YEARS TERM OF THE COUNCIL EXCLUDING THE PERIOD FROM 11.05.2025 TO 27.08.2024 AND FURTHER BE DIRECTED THAT TERM OF RAICHUR CITY MUNICIPAL COUNCIL WOULD CONTINUE UNTIL COMPLETION OF 30 MONTHS TENURE BY CONSIDERING THE GRIEVANCE OF THE PETITIONERS VIDE REPRESENTATION DATED 22.09.2025 AS AT ANNEXURE-J.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL ORDER

Heard learned Senior Counsel Sri Jayakumar S. Patil appearing on behalf of learned counsel Sri Ravi B. Patil for the petitioners, learned Additional Advocate General, Smt.Prathima Honnupura appearing for respondent Nos.1 to 3, learned counsel Sri Gourish S. Khashampur, appearing for respondent No.4 and learned Senior Counsel



Sri K.N.Phanindra appearing on behalf of learned counsel
Sri Sudarshan M., for respondent No.5.

2. This petition is filed by the petitioners seeking
the following reliefs:

"a) Issue a writ of certiorari to quash the impugned communication dated 27.01.2025 issued by the 5th respondent authority bearing No.SECK/ULB/OTHR/1/2025-ULB as at Annexure-G and consequential order dated 26.03.2025 bearing No.NAAAE UDA 39 MLR 2025(E) as at Annexure-H issued by the 1st respondent authority determining the date of completion of tenure of councilors and consequentially the committee insofar as relates to at Sl.No.174, as contrary to Sec.3, 4 and 503 of Karnataka Municipal Corporation Act and also contrary to Sec.18 and Sec.315 of Karnataka Municipalities Act, 1964.

aa) Issue a writ of certiorari to quash the Notification dated 15.11.2025 bearing No.UDD-293 MLR 2025(e) duly published in the official Gazette on 17.11.2025 as Annexure-L issued by the 1st respondent authority as in violation of section 503 of Karnataka Municipal Corporation Act and Article 243-U of the Constitution in the interest of justice.

ab) Issue a writ of mandamus directing the



respondent state to permit the petitioner and the body in administration of municipal area to continue their tenure till formation of new body under Section 503(3)(a) of the Municipal Corporation Act, 1976, in the interest of justice and equity. (Amendment carried out as per order dated 26.02.2026)

b) Declare that the duration of the tenure of the order dated 08.05.2023 appointing Administrator to Raichur Municipal Council from 11.05.2023 to 27.08.2024 shall not usurp the total five years of the tenure of the Councilors.

c) Issue writ of mandamus, directing the respondents No.1 and 5 to calculate the five years term of the council excluding the period from 11.05.2023 to 27.08.2024 and further be directed that term of Raichur City Municipal Council would continue until completion of 30 months tenure by considering the grievance of the petitioners vide representation dated 22.09.2025 as at Annexure-J, in the interest of justice and equity.

d) Issue any writ, order or direction as this Hon'ble Court may deem fit in the fact and circumstances of the case and in the interest of justice."



3. The petitioners are elected Councillors of City Municipal Council, Raichur and the elections were held on 03.09.2018. It is contended that the first meeting was scheduled on 02.11.2020. Accordingly, a resolution was passed electing the President and Vice President for initial tenure of 30 months. It is further contended that the first term of 30 months has come to an end on 11.05.2023 and for the second tenure, there was delay in publishing reservation Notification for the post of President and Vice President till 28.08.2024. Therefore, an Administrator was appointed for a period of 18 months from 11.05.2023 to 28.08.2024 vide Notification dated 08.05.2023 under Section 315 of the Karnataka Municipality Act, 1964 (for short, 'the Act, 1964').

4. Learned Senior Counsel for the petitioners submits that pursuant to the reservation Notification elections for second term the proceedings were duly held on 28.08.2024 whereby the Committee was duly formed and the tenure of the Administrator has come to an end on



27.08.2024. This being the state of affairs, respondent No.1 issued a Notification dated 04.12.2024 declaring the City Municipal Area of Raichur District as Urban Area. The Raichur City Municipality is declared as Raichur Municipal Corporation. It is the contention of learned Senior Counsel that respondent No.5 authority issued a communication to respondent No.1 prescribing the last date of tenure of the Council to be 02.11.2025 at Sl.No.174 and thereby, respondent No.1 issued directions to respondent No.3 to hold elections for the post of councillors without taking into consideration 15 months term for which the Administrator was appointed by the State, depriving the total tenure of councillors by less than 05 years. It is further submitted that respondent No.5 authority got issued directions to respondent No.3 authority to hold elections for the post of Corporators on or before 02.11.2025 without taking into consideration 15 months term for which an Administrator was appointed by the



State thereby depriving the total tenure of the Councillors, which is less than 05 years.

5. It is the contention of the learned Senior Counsel for the petitioner that being aggrieved by the impugned communication dated 27.01.2025 and 26.03.2025, the petitioners submitted detailed representation dated 22.09.2025 requesting respondent No.1 to permit the committee to complete its full tenure which was interjected in view of appointment of Administrator for a period of 15 months which was due to pending litigation of challenging the roster reservation for the post of President and Vice President.

6. It is further contended by learned Senior Counsel that there is a patent error in the impugned communication which has caused substantial injustice to the petitioners on the ground that the Council was unable to complete fixed term of 30 months and it was in between replaced by appointment of the Administrator



without there being a lawful dissolution, thereby disrupting the democratic rights, legally and equitably. Therefore, the elected body should be permitted to continue its full term of 05 years.

7. It is further contended by learned Senior Counsel that action of the respondent authorities are contrary to the statute especially Section 315 of the Act, 1964. It is further contended that as per Article 243U of the Constitution of India, it guarantees 5 years tenure to the elected Municipal bodies and once that term is curtailed by the intervention of appointment of Administrator, it violates the constitutional mandate calling for interference of this Court. It is also contended that the petitioners were not provided any opportunity of being heard.

8. It is also contended that Administrator's rule cannot count against the Municipal Council's official tenure as the Municipal Council was not formally dissolved under Section 316 or superseded under Section 318 of the Act,



1964. Therefore, learned Senior Counsel contends that during a period when Administrator was appointed who interjected the functioning of the newly elected Committee, it infringed and denied the governance of the chosen representatives of the Municipal Council.

9. During the course of this petition, the petitioner got amended the petition seeking to incorporate few paragraphs and sought for quashing the Notification dated 15.11.2025 which was subsequently published in the Official Gazette on 17.11.2025 vide Annexure-L issued by respondent No.1 authority on the ground that the same is in violation of Section 503 of the Karnataka Municipal Corporation Act, 1976 (for short, the 'KMC Act') and Article 243U of the Constitution of India.

10. *Per contra*, learned Additional Advocate General, Smt.Prathima Honnapura, appearing for the respondent-State contends that there is no illegality or perversity in the impugned order and the same does not call for any interference much less interfering with the



appointment of the Administrator. It is also contended by her that City Municipal Council elections were held on 03.09.2018. First meeting was held on 02.11.2020 and the term came to an end on 01.11.2025. She further contends that as per Section 2(7) of the KMC Act, the definition of councilor is referred to under Section 7 of the KMC Act. She has further taken me to Section 7 of the Act which deals with constitution of the Corporation. It says that the "Corporation shall consist of such number of elected councillors, not being less than 30 and not more than 200, as the Government may by notification decide". She has further taken me to Section 8 of the KMC Act with regard to term of Office of Councillors. It states that term of Office of Councillors directly elected at a General Election shall be 05 years and Sub-section (2) of Section 8 states that the term of office of the councillors shall commence on the date appointed for the first meeting of the Corporation. Therefore, it is her contention that after first meeting conducted on 02.11.2020, with respect to the



petitioners and the term has come to an end on 01.11.2025. It is further contended by the learned Additional Advocate General that Section 503 of the KMC Act deals with the declaration of City Municipal Area as a Larger Urban Area under this Act, wherein the Governor may declare by a Notification, any Municipal Area or Municipal for which a City Municipal Council is constituted to be a Larger Urban Area as specified under Section 3 of the Act. She has also taken me through the provisions of Section 509, which deals with removal of difficulties, contending that if any difficulty arises in giving effect to the provisions of this Act, the Government would have the authority to publish in the official gazette an order requiring to do anything which appears to be necessary to remove such difficulty. She has taken me to the order passed by the Government of Karnataka whereby by Notification dated 04.12.2024, by exercising power under Sections 3, 4 and 503 of the KMC Act, the Governor has declared the City Municipal Area of Raichur district as a



Larger Urban Area and specified such area to be 'the Corporation of the City of Raichur'. It is further contended by learned Additional Advocate General that as per Article 243U of the Constitution of India, the time limit is fixed and specified that every municipality shall continue, unless dissolved sooner under any law for the time being in force, for a period of 05 years from the date appointed for its first meeting and no longer. Therefore, she contends that once the term is fixed for 05 years, there is no scope for increasing the term period at any situation, as the term begins from the first meeting and lasts for 05 years unless, it is disrupted.

11. In present case on hand, first meeting conducted on 02.11.2020 and the term has ended on 01.11.2025; Administrator was appointed on 15.11.2025. Under these circumstances, she submits that, in light of the prevailing factual and legal position, the petitioners cannot claim any right to continue in office once the prescribed term has expired, particularly when such



continuation would be contrary to the mandate of Article 243U of the Constitution. So also the petitioners cannot challenge the appointment of Administrator under Section 315 of the Act, 1964, as it is the prerogative of the State. On these grounds, she contends that the petition be dismissed as being devoid of merits.

12. Learned Senior counsel Sri.K.N.Phanindra appearing on behalf of Sri.Sudarshan M., for and on behalf of Karnataka State Election Commission contends that the petitioners are attempting to advance a case contrary to Article 243U of the Constitution of India, which unequivocally mandates a fixed tenure of five years from the date of the first meeting of every Municipality. The said period of five years having admittedly expired, the statutory prescription under Section 8 of the KMC Act cannot be reinterpreted, rewritten to suit the convenience or whims of the petitioners.



13. Learned Senior Counsel contends that as per Annexure-G, the last date of the tenure of the Council is specified at Sl.No.174 to be 02.11.2025. Hence, once the term of the Council has come to an end, they cannot have any further say as contemplated under Section 8 of the KMC Act and Article 243U of the Constitution of India. Therefore, the consequential communication dated 26.03.2025 is valid and legally sound and the same thus, cannot be found fault with or impugned. It is further contention of the learned Senior Counsel that in accordance to Section 8(1) of the KMC Act and Article 243U of Constitution of India, there is no further scope for the petitioners to contend that their term should be extended further which runs contrary to the provisions under the Act and the Constitution. Therefore, he contends that the petitioners have not made out any good grounds or cogent of reasons to interfere with the appointment of the Administrator and that he being the Election Commissioner would have already initiated the process for



conducting the elections, which eventually they will do by following the due process of law.

14. Learned counsel Sri.Gourish S.Khashampur, appearing for respondent No.4 reiterates the arguments put forward by the learned Additional Advocate General and the Senior Counsel appearing for Election Commission and contends that petitioners cannot have any right inherent to contend that the period of 05 years term has not come to an end. So also they do not have any right with regard to the appointment of the Administrator pursuant to the term coming to an end for the purpose of conducting fresh elections. He sustains the impugned communication and the action of the respondents and seeks dismissal of this petition.

15. Having heard learned Senior Counsel for the petitioners, learned Additional Advocate General for the respondent-State, learned Senior Counsel Sri.K.N.Phanindra for and on behalf of Karnataka State Election Commission and Sri.Gourish S.Khashampur,



learned counsel for respondent No.4-Corporation, the points that arise for consideration are:

- 1) Whether the petitioners have made out any case for interference in this writ petition?
- 2) What order?

16. The factual aspects of the petitioners being councilors and the City Municipal Council being upgraded to "Corporation of City of Raichur" to be Larger Urban Area by virtue of a Notification issued by the Government of Karnataka is not in dispute. So also the fact that the date of first meeting of the Elected body was on 02.11.2020 and on completion of 30 months, the term has come to an end on 01.11.2025, which again cannot be disputed for the simple mathematical calculation. It is also a fact that the Administrator thereafter has been appointed on 15.11.2025 to the Raichur City Municipal Council referring to the date of completion of the tenure as 03.11.2025.



17. Learned counsel appearing for the respondents have placed reliance upon the order in the ***Writ Petition No.203332/2025 and connected matters*** in the case of ***M.D. Samdani @ Samdani M.D. Vs. The State of Karnataka and Others*** disposed on ***18.11.2025***, where similar question of fact on law was decided by this Court, wherein the Co-ordinate Bench of this Court discussed the term of office of the elected body constituted namely, the councilor. As per Article 243U of the Constitution of India, the appointment of the administrator after completion of the term for conducting elections to the Panchayat and Municipality, removal of difficulties as contemplated under Section 389 of the Act, 1964 and administration of all these aspects, did not find favour with the petitioners, who have challenged similar order of appointment of administrator after the expiry of the term of the councilor and accordingly, dismissed the petitions of the petitioners therein by directing the Administrator to conduct election within a period of six months.



18. In the present case on hand, this Court is dealing with the situation where the City Municipal Council and the election body of the City Municipal Council have completed its term in view of the fact that the first meeting of the elected municipal councillors was conducted on 02.11.2020 and the term came to an end on 01.11.2025. Section 2(7) of Act KMC Act, reads as under:

"2(7). "Councillor" means a Councillor referred to in Section 7."

19. Section 7 of the KMC Act deals with the Constitution of India, which reads as under:

"7. Constitution of the Corporation.- (1)
The Corporation shall consist of,-

(a) such number of elected councillors not being less than thirty and not more than two hundred as the Government may, by notification, determine"; and

Provided that, the Bruhat Bengaluru Mahanagara Palike the Corporation shall consist of such number of councillors not less than two hundred and twenty five but not more than two hundred and fifty councillors as the Government may, by notification, determine.



(b) not exceeding ten percent of the total number of Councillors in the case of Bruhat Bangalore Mahanagara Palike] and not more than five persons in the case of other City Corporations]1 nominated by the Government from amongst the residents of the city,-

(i) who are persons having special knowledge and experience in municipal administration or matters relating to health, town planning or education; or

(ii) who are social workers;

(c) the members of the Houses of People and the members of the State Legislative Assembly representing a part or whole of the city whose constituencies lie within the city ;

(d) the members of the Council of State and State Legislative Council who are registered as electors within the city:

Provided that the persons referred to in clause (b) shall not have right to vote in the meetings of the Corporation.

(2) Seats shall be reserved in a corporation,-

(a) for the Scheduled Castes; and

(b) for the Scheduled Tribes:

and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the corporation as the population of the Scheduled Castes in the city or of the Scheduled Tribes in the city bears to the total population of the city.

(3) Such number of seats which shall as nearly as may be, one third of the total number of seats to be



filled by direct election in a corporation shall be reserved for persons belonging to the Backward Classes:

Provided that out of the seats reserved under this sub-section, eighty percent of the total number of such seats shall be reserved for the persons falling under category "A" and the remaining twenty percent of the seats shall be reserved for the persons falling under category "B":

Provided further that if no person falling under category "A" is available, the seats reserved for that category shall also be filled by the persons falling under category "B" and vice-versa.

Provided also that the number of seats so reserved for the Backward Classes under this sub-section shall be so determined, that the total number of seats reserved for the Scheduled Castes and Schedule Tribes under sub-section(2) and the Backward Classes under this sub-section shall not exceed fifty per cent of the total number of seats in the City Corporations.

(4) Not more than fifty percent of the seats reserved] for each category of persons belonging to Scheduled Castes, Scheduled Tribes and Backward Classes and those of the non-reserved seats to be filled by direct election in a corporation shall be reserved for women:

Provided that the seats reserved in sub-sections (2), (3) and (4) shall be allotted by rotation to different wards in a city.

(5) The Councillors referred to in clause (a) of sub-sections (1) shall be elected in the manner provided in this Act.



(6) Nothing contained in sub-sections (2), (3) and (4) shall be deemed to prevent the members of the Scheduled Castes, Scheduled Tribes, Backward Classes or Women from standing for election to the non-reserved seats."

20. Section 8(i) and (ii) and 8(2) of the KMC Act reads as under:

"8. Term of office of Councillors – (1)
Save as otherwise provided in this Act, the term of office of Councillors.-

(i) directly elected at a general election shall be five years;

(ii) nominated by the Government under clause (b) of sub-section (1) of section 7 shall, subject to the pleasure of the Government, be five years.

(2) The term of office of the Councillors shall commence on the date appointed for the first meeting of the Corporation."

21. Section 503 sub-clause (1) and (2) of the KMC Act reads as under:

"503. Declaration of [city municipal area as a larger urban area] under this Act –(1)
Subject to the provisions of Section 3, the Governon may declare by Notification that any municipal area for which a city municipal council is constituted



under the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) shall with effect from the date to be specified in such Notification to be a larger urban area specified under Section 3 of this Act.

(2) The provisions of the Karnataka Municipalities Act, 1964 applicable to such 1[city municipal area] shall not apply to any local area declared as a 2[larger urban area] under sub-section (1) with effect from the date specified in the declaration:"

22. Section 509 of the KMC Act reads as under:

509. Removal of difficulties,- *If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette as the occasion may require do anything with appears to it to be necessary to remove the difficulty."*

23. Section 243U of the Constitution of India reads as under:

"243U. Duration of Municipalities, etc-(1) *Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer:*

Provided that a municipality shall be given a reasonable opportunity of being heard before its dissolution.



(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause(1).

(3) An election to constitute a Municipality shall be completed,

(a) before the expiry of its duration specified in clause(1);

(b) before the expiration of a period of six months from the date of its dissolution;

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Municipality for such period.

(4) A Municipality constituted upon the dissolution of Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under clause(1) had it not been so dissolved."

24. The Division Bench of this Court in the case of

G. Kuppuswamy and others vs. State of Karnataka



and Another [1995 (5) Kar. 618 (DB)] while dealing issue of duration of the term of the municipal body on the appointment of administrator, at paragraph Nos.4, 17, 20 and 21 held as under:

"4. The Constitution was amended by the 74th Amendment Act inserting Part IX-A containing Articles 243-P to 243-ZG into the Constitution. Article 243-U of the Constitution refers to duration of the Municipality and Article 243-ZF of the Constitution refers to continuance of the existing laws and Municipalities. Under Article 243-ZF of the Constitution, the existing Municipality was continued till the expiration of their term unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of the State or in the case of a State having a Legislative Council by each House of the Legislature of the State. The existing laws relating to Municipalities inconsistent with Part IX-A of the Constitution would continue to be in force until amended or repealed or one year whichever is earlier. The provisions relating to appointment of an Administrator under Section 100(1)(c) of the K.M.C. Act is omitted by the Karnataka Act 35 of 1994. Section 47 of the said Act 35 of 1994 and Section 54 of Act 36 of 1994 provide that if any difficulty arises in giving effect to



the provisions of the respective Acts, the Government may by order published in the official Gazette as the occasion may require do something which appears to it to be necessary to remove the difficulty.

17. In substance, the contention of the petitioners is that the appointment of Administrators is void as no provision is made under the relevant statute in the circumstances arising under the various Municipal enactments. The contention is that during the interregnum between the expiry of the period of office to which the Councillors are elected and the next election, Administrators cannot be appointed as there is no provision made under the Act, inasmuch as the provisions in that regard had been deleted from the statute. It is clear from the provisions of the Constitution that none of the petitioners who had been elected as Councillors either to Municipal Council or Municipal Corporation, could continue in office on the expiry of the period mentioned in Article 243-ZF. In each of these cases, the period either reckoned from the date of issue of Gazette Notification declaring the elections to various Municipalities or the date of first meeting, has already elapsed on the expiry of 31st May, 1995 and in some cases during June/July, 1995. In the



*circumstances, such Councillors cannot continue in office under any circumstance unless any specific provision had been made in the statute. There is no provision in the statute to enable them to continue in office until their successors are elected. Thus, there is a clear vacuum arising on account of the absence of a relevant provision in the statute. Whatever may be the reasons for not holding elections to Municipalities, the fact remains that elections have not been held prior to the expiry of the term of the concerned Municipal body. The administration of the Municipal body has got to be carried on and in the absence of a provision under the statute, the only way to remove the difficulty is to appoint Administrators or enable any other person or body of persons to discharge the functions of the Municipal Council or Corporation. Such a course can certainly fall within the category of removing a difficulty arising in the statute and it cannot be said that such difficulty is de hors the statute. Hence, we do not agree with the contention raised on behalf of the petitioners that the difficulty arising in the present case is outside the scope of the statute. Thus adopting the very test provided in the decision of the Supreme Court in *Madeva Upendra Sinai's case, supra*, it must be held that the respondents have power to appoint Administrators to remove difficulties of a vacuum*



arising on account of absence of a provision in the matter of appointment of Administrator to the Municipal body elections thereto not having been held prior to the expiry of the term of such Municipal body.

20. Now the question that arises for consideration is whether contrary to the provisions of the Constitution or the scheme thereof. A perusal of the various provisions of the Constitution in unless sooner dissolved and in case of dissolution, an Administrator could be appointed after following the due procedure prescribed thereto. It is not as though Municipal bodies could not be dissolved and an Administrator could discharge the function of the Municipal bodies. If that is permissible in the case of the circumstances calling for such dissolution, we fail to understand that when the Municipal body is not in existence on account of various circumstances set forth earlier in the course of this order as to how the appointment of Administrator to discharge the functions of a Municipality in the absence of an elected body being available is opposed to the scheme of the Constitution surpasses our comprehension. After the first Municipal Body is constituted as provided under Article 243-Q, provisions of Article 243-U is attracted and thereafter it will be the bounden duty



of the State Election Commission and the Government to conduct the elections from time to time. For the first time when the Municipal Body is being constituted, various problems have arisen as to delimitation, territorial limits of different municipalities and the jurisdiction thereof and reservation. Such problems once settled, further restructuring would only be a consequential affair thereafter and there would be no impediment to the elections being held to the different Municipal bodies in time and in which event it will not be permissible for the Government to appoint Administrators on the ground that elections could not be held to the Municipal body. Article 243-U would come into play on the constitution of a Municipal body under Article 243-Q and not before. Therefore, on the facts and circumstances of this case, we must hold that the exercise of power for appointing Administrators by the State either under the provisions of the removal of difficulties clause or under the executive power of the State under Article 162 of the Constitution, is justified.

21. Sri H.B. Datar, learned Senior Advocate, appearing for the petitioners, contended that the order appointing the Administrators is an exercise in futility inasmuch as the provisions of the K.M.C. Act or the Municipalities Act do not enable the



Administrators to function in the circumstances in which they are appointed. A careful perusal of the order itself will disclose that the purpose of appointment of Administrator is clearly set out and to enable carrying out all such purposes they are appointed. In the dissolution of Municipality, if Administrators could discharge the functions of the Municipality, same powers and functions could be exercised by the Administrators. Hence the difficulty felt by the learned Counsel is unfounded and not tenable in law."

25. The Hon'ble Apex Court in the case of ***Kishansing Tomar Vs. Municipal Corporation of the City of Ahamadabad [(2006) 8 SCC 352]*** at paragraph No.21 held as under:

"21. It is true that there may be certain man-made calamities, such as rioting or breakdown of law and order, or natural calamities which could distract the authorities from holding elections to the municipality, but they are exceptional circumstances and under no (sic other) circumstance would the Election Commission be justified in delaying the process of election after consulting the State Government and other authorities. But that should be an exceptional



circumstance and shall not be a regular feature to extend the duration of the municipality. Going by the provisions contained in Article 243-U, it is clear that the period of five years fixed thereunder to constitute the municipality is mandatory in nature and has to be followed in all respects. It is only when the municipality is dissolved for any other reason and the remainder of the period for which the dissolved municipality would have continued is less than six months, it shall not be necessary to hold any elections for constituting the municipality for such period."

26. The Division Bench of this Court where I was the member of the Bench passed judgment in ***Writ Appeal No.100111/2021 and connected matters*** in the case of ***Laxman Lakappa Ningannavar Vs. The State of Karnataka*** disposed on **29.06.2021** relying upon the judgment of the Hon'ble Apex Court in the case of ***Kishansing Tomar*** (supra) which is squarely applicable to the present case. Paragraph No.3(a) reads as under:

"3(a) The tenure of elected local bodies like the panchayat & municipality, regardless of their varying nomenclatures is constitutionally fixed as



being 'five years from the date appointed for its first meeting and no longer' vide the Constitution (Seventy Third Amendment) Act, 1992 w.e.f. 24.04.1993 & the Constitution (Seventy Fourth Amendment) Act 1992 w.e.f. 01.06.1993; acceding to the prayer of the writ petitioners and thereby directing the respondent-State & the Election Commission to extend the tenure of these bodies militates against the constitutional mandate; it has been a well settled position of constitutional jurisprudence that no writ can issue to do what the law does not permit; this inarticulate premise has animated the impugned orders, absence of elaborate discussion therein, notwithstanding."

27. Learned Additional Government Advocate has placed reliance on the following judgments of this Court and Supreme Court:

- i. In the case of Sri. Allauddin and others Vs. The State of Karnataka and Others in WP No.106387/2025 and connected matters, DD 10.11.2025,***
- ii. In the case of M.D. Samdani @ Samdani M.D. Vs. The State of Karnataka and Others in WP No.203332/2025 and connected matters, DD 18.11.2025,***
- iii. WP No.107806/2025 and connected matters, DD 04.12.2025,***
- iv. WP No.22473/2025 and connected matters, DD 15.12.2025,***



- v. *In the case of Mahadeva Upendra Sinai Etc. Etc. Vs. Union of India and others [1975 AIR 797] and***
- vi. *In the case of P.R. Ramesh Vs. The State of Karnataka and Others [2011 SCC Online Kar 4075].***

28. In view of the principles laid down in the above judgments and in view of the factual aspects referred hereinabove, the term of the body constituted governing the council having come to an end as on 01.11.2025, there cannot be a situation or scenario at any stretch of imagination, for the extension of the term of the petitioners as councillors.

29. The appointment of Administrator is a prerogative of the State which it has done to conduct the election pursuant to the up gradation of the Municipal Council to City Corporation. Therefore, I do not find any good ground or cogent reason calling for interference or indulgence at the hands of this Court when there is no illegality or perversity or arbitrariness in the impugned



notification/order/communication, much less the appointment of administrator, so also I do not find any breach of Section 503 of the Act of 1976 or Article 243 of the Constitution of India.

30. Under the circumstances, I pass the following

ORDER

- (a) The Writ petition is dismissed.
- (b) The respondent No.5/Election Commissioner shall proceed further by conducting elections in accordance to law expeditiously within a period of six months from the date of appointment of administrator.

Ordered accordingly.

**Sd/-
(PRADEEP SINGH YERUR)
JUDGE**

VNR/RSP
LIST NO.: 2 SL NO.: 5
CT:SI