



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 39396 OF 2025 (LB-RES)

BETWEEN:

SRI. C.N. SRINIVAS
S/O P. NARASIMHAIAH,
AGED ABOUT 52 YEARS,
R/O CHALDIGANAHALLI VILLAGE,
SRINIVASAPURA TALUK,
CHALDIGANAHALLI,
KOLAR-563 126.

...PETITIONER

(BY SRI. SHIVAPRAKASH M., ADVOCATE)

AND:

1. THE ASSISTANT COMMISSIONER
KOLAR SUB DIVISION,
KOLAR-563 101.
2. THE GRAMA PANCHAYATH
CHALDIGANAHALLI VILLAGE,
SRINIVASAPURA TALUK,
KOLAR DISTRICT-563 135,
REP. BY ITS SECRETARY.
3. THE PANCHAYATH DEVELOPMENT OFFICER
GRAMA PANCHAYATH,
CHALDIGANAHALLI,
SRINIVASAPURA TALUK,
KOLAR DISTRICT-563 101

...RESPONDENTS

(BY SMT. PRATHIMA HONNAPURA, AAG A/W
SRI. BOPPANNA BELIYAPPA, AGA FOR R1;
SRI. M.S. DEVARAJU, ADVOCATE FOR R2 & R3)





THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO: (1) CALL FOR THE ENTIRE RECORDS FROM THE OFFICE OF THE FIRST RESPONDENT ASSISTANT COMMISSIONER IN THE MATTER OF CALLING FOR MEETING TO PASS RESOLUTION OF "NO CONFIDENCE MOTION" VIDE NOTICE NO.ELNCR:38/2025-26 DATED 20.12.2025 AT ANNEXURE-E; (2) QUASH THE NOTICE NO.ELNCR:38/2025-26 DATED 20.12.2025 AT ANNEXURE-E, ISSUED BY THE FIRST RESPONDENT CONSEQUENTLY TO DIRECT THE RESPONDENT NO.1 ASSISTANT COMMISSIONER TO CONDUCT PRELIMINARY ENQUIRY REGARDING THE COMPLAINT MADE/LODGED BY THE PETITIONER DATED 07.11.2025 AT ANNEXURE-B.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Petitioner is before this Court seeking for the following reliefs:

- "1. *Call for the entire records from the Office of the First Respondent Assistant Commissioner in the matter of calling for meeting to pass Resolution of "No Confidence Motion" vide Notice No.ELNCR:38/2025-26 dated 20/12/2025 at Annexure-E.*
2. *To issue Writ of Certiorari and quash the Notice No.ELNCR:38/2025-26 dated 20/12/2025 at Annexure-E, issued by the first respondent consequently to direct the Respondent No.1 Assistant Commissioner to conduct preliminary enquiry regarding the complaint made/lodged by the petitioner to dated 7/11/2025 at Annexure-B.*
3. *Pass such other order/s as this Hon'ble Court deems fit and proper in the circumstances of the case. Pass cost of proceedings."*



2. The petitioner is aggrieved by a Notice issued by respondent No.1 fixing the Meeting at 11.00 a.m. on 7.1.2026 to consider the requisition submitted by the Members of the Chaldiganahalli Gram Panchayat.
3. Sri Shivaprakash M., learned counsel appearing for the petitioner, submitted that the members of the Gram Panchayat were elected on 30.12.2020 and that, although the original term has expired, the same has been extended and even as on date, fifteen days remain for completion of the term of the Gram Panchayat. It is contended that the Motion of No Confidence has been moved at the fag end of the term in a mala fide manner, solely on account of the petitioner not having succumbed to the alleged demands made by certain members for release of a sum of Rs.65 lakhs available with the Panchayat. In that regard, the petitioner is stated to have submitted a representation dated 07.11.2025 seeking conduct of an audit. On these grounds, it is



urged that the Motion of No Confidence and the consequential notice fixing the date, time, and venue for the meeting deserve to be quashed.

4. Per contra, Smt. Prathima Honnapura, learned Additional Advocate General appearing for respondent No.1, submitted that though the elections were held on 30.12.2020, the first meeting of the Gram Panchayat was convened on 12.02.2021, and therefore, the term of the Gram Panchayat would continue till 11.02.2026. It is submitted that the dates relied upon by the petitioner are incorrect and misleading.
5. It was further submitted that an earlier Motion of No Confidence was sought to be considered on 20.12.2025; however, on account of a writ petition filed by the petitioner, a co-ordinate Bench of this Court had allowed the writ petition on the limited ground that the period fixed for holding the meeting was beyond the statutory period of thirty days.



Consequently, the Motion itself was not adjudicated on merits.

6. It was also contended that the members of the Panchayat are entitled to move a Motion of No Confidence and that their statutory rights have been adversely affected on account of the petitioner stalling the convening of such meetings by repeatedly approaching this Court.
7. Heard Sri Shivaprakash M., learned counsel for the petitioner; Smt. Prathima Honnapura, learned Additional Advocate General along with Sri Bopanna Beliyappa, learned Additional Government Advocate for respondent No.1; and Sri M.S. Devaraju, learned counsel for respondents Nos.2 and 3. Perused the records.
8. The principal contention urged on behalf of the petitioner is that the Motion of No Confidence has been moved at the fag end of the term of the Gram Panchayat. In the considered opinion of this Court,



the said contention is untenable. The elected members of a Gram Panchayat are entitled to move a Motion of No Confidence at any point of time during the term, subject only to statutory embargoes.

9. The only embargo contemplated under the statute is during the initial period of fifteen months from the date on which the members take oath. There is no embargo prescribed for the latter part of the term. The legislative intent is clear that while stability is ensured during the initial period, elected representatives must remain accountable throughout the term. Permitting a Motion of No Confidence even towards the end of the term ensures that an elected office bearer does not misuse the remaining tenure for any improper or extraneous purposes.
10. In that view of the matter, no infirmity can be found with the notice issued by the Assistant Commissioner fixing the meeting on 07.01.2026 at 11.00 a.m. for consideration of the Motion of No Confidence.



11. Insofar as the allegations made by the petitioner regarding financial irregularities and the representation dated 07.11.2025 at Annexure-B are concerned, it is open to respondent No.2 to examine the same and take appropriate action in accordance with law by forwarding it to the competent authority for verification of the allegations.
12. Accordingly, respondent No.2 is directed to consider Annexure-B and take appropriate action within a period of seven days from the date of receipt of a copy of this order. Subject to the above direction, the writ petition stands **dismissed**.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE