

**THE HON'BLE SRI JUSTICE K.SARATH**

**WRIT PETITION Nos.**

**19129, 19036, 19557, 20302, 22036,  
33879 of 2023, 70, 153, 488, 489, 698, 713, 774,  
1548, 3802, 4093 and 4105 of 2024**

**COMMON ORDER:**

1. In all these petitions, the petitioners are questioning the notices of No-Confidence Motions received by them, who are holding the posts of Presidents/Vice President(s) of Mandal Praja Parishads of their respective Mandals. All the petitioners have received notices for No Confidence Motion in Form-V and questioning the issuance of Form-V notices by the respective Revenue Divisional Officers on the ground that the Revenue Divisional Officer is not the prescribed authority to issue Form-V Notice as per Section 263 of the Telangana Panchayat Raj Act, 2018. In view of the same, all these matters have been taken up for hearing and a common order is being passed in all these petitions.

2. Heard Sri C.Raghu, Sri Hemandranath Reddy, learned Senior Counsels, Sri Pasham Mohith, Sri A.Prabhakar Rao, Sri Banda Prasad Rao and Sri Sathwik Makunur, Sri Mahesh Mamindla Sri Sannapaneni Lohith, Sri Karanam Rajesh Kumar, Sri V.Raja Shekar Reddy, Sri Lingampally Ravinder, and Sri Mohd.Rahail Ahmed, representing M/s. Gix Law Firm, learned Counsel appearing for the petitioners in their respective petitions and Sri S.Rahul Reddy, learned Special Government Pleader for learned Additonal Advocate-General, Sri Sripada Prabhakar, Sri A.Venkatesh, Learned Senior Counsels, Sri Setty Ravi Teja, Sri J.Ashwini Kumar, Sri Pole Vishnu, K.Srinivas, Sri Thoom Srinivas, Sri K. Venkataramanaiah, Sri Naresh Reddy Chinnolla, Ms. Jalapalli Madhavi Reddy, Sri N.Naveen Kumar, Sri M.Venkateswar Rao, Ms.V. Manjula and Sri Usakoyeela Chandra Shekar and Sri Gunna Raghu Chandra, learned Counsel appearing for the respondents.

3. The contention of the learned Counsel for the petitioners is that in pursuance to the enactment of Telangana Panchayat Raj Act, 2018, no new rules have been notified and in the absence of such Rules, Form-V issued by the Revenue Divisional Officer as per G.O.Ms.No.200, Panchayat Raj and Rural and Development (for short PR&RD) dated 28.04.1998 cannot be enforced. Since Section 263 of Telangana Panchayat Raj Act, 2018 specifically provides for prescription of procedure by way of notifying the rules, specifically under new law and such rules must necessarily be passed only by way of legislative mandate. The official-respondents cannot follow the procedure contemplated in G.O.Ms.No.200, PR&RD, dated 28.04.1998 issued in terms of repealed Panchayat Raj Act, 1994.

4. The learned Counsel for the petitioners further contended that the revenue authorities, without application of mind and without verifying the

signatures of the Members, who purported to move no-confidence motion, issued Form-V notices to the petitioners and in one of the case the respondents have issued Form-V notice under Old Act and the respondents have not even followed G.O.Ms.No.200, PR & RD, dated 28.04.1998 and in some cases along with the Form-V notices not enclosed Form-II notice or Notice of intention to move no confidence motion and in some of the cases notices were issued within fifteen days of time contrary to the old rules and the same are liable to be set aside on the ground that Revenue Divisional Officer is not the prescribed authority and even otherwise without following the G.O.Ms.No.200, PR & RD, dated 28.04.1998 issued notices to the petitioners.

5. Learned Counsel for the petitioners further contended that the Single Judge of this Court in W.P.No.14470 of 2022, considered No-Confidence Motion for Upa-Sarpanch as per Section 30 of

Telangana Panchayat Raj Act, but not Section 263 of the new Act. The Sections 30 and 263 are different and distinct and in view of the same, the said Judgment not apply to the instant cases.

6. The learned Counsel for the petitioners further contended that the finding given by the Single Bench of this Court in W.P.No.2516 of 2023 and batch, is pertaining to No Confidence Motions of the Chairpersons and Vice-Chairpersons in the respective Municipal Councils in Telangana State. The Rules in Telangana Municipality Act, 2019 and Telangana Panchayat Raj Act, 2018 are different and distinct and Section 37 of the Telangana Municipalities Act, 2019 is an enabling provision for moving no confidence motion against the Chairpersons/Vice Chairperson and in that Section it is clearly mentioned that proposed No Confidence Motion is to be submitted to the respective District Collectors.

7. The learned Counsel for the petitioners further contended that the Telangana Panchayat Raj Act, 2018 has repealed the Telangana Panchayat Raj Act, 1994 and revamped the entire law thereof. The Section 263 of the Panchayat Raj Act, 2018 deals with motion of No Confidence Motion shall be made against the President or Vice-President of a Mandal Praja Parishad and a motion expressing want of confidence in the President or Vice-President may be made by giving a written notice of intention signed by not less than half of the total number of members of Mandal Praja Parishad in such form and to such authority as may be prescribed and further action on such notice shall be taken in accordance with the procedure as may be prescribed. The Section 2(31) of the said Act deals the word "prescribed" as "prescribed by the Government by rules made under this Act". So far, the Government has not made any rules under the Telangana Panchayat Raj Act, 2018 and not prescribed the

authority to whom motion expressing want of confidence shall be given in terms of the Section 263 and therefore the Revenue Divisional Officer is not a prescribed authority and has no authority whatsoever to either accept the notice of intention purported to be signed to move No Confidence Motion against the petitioners nor to issue a notice convening a meeting to consider the said motion of no confidence.

8. The learned Counsel for the petitioners further contended that the Government is bound by law to prescribe an authority competent to exercise powers under Section 263 of the Telangana Panchayat Raj Act, 2018 and without prescribing any authority, such substantive powers cannot be inferred to be conferred upon the Revenue Divisional Officers, who used to exercise such powers under G.O.Ms.No. 200, PR & RD, dated 28.04.1998 issued in terms of repealed Telangana Panchayat Raj Act, 1994.

9. The learned Counsel for the petitioners further contended that the competent authority is duty bound to verify the signatures of the members who have signed the notice of intention to move no-confidence, as otherwise it would lead to miscarriage of justice and causes much prejudice to the person against whom No-Confidence Motion is proposed to be moved. After proper verification of signatures of members who have signed the notice expressing want of confidence only the competent authority should issue the notice for convening a meeting to consider the no confidence motion and in some cases without applying mind and without verifying the signatures of the Members who purported to have signed the Form-II notices had mechanically issued Form-V notices intimating convening of a meeting to consider motion of no confidence against the petitioners and requested to allow the wit petitions.



10. Learned Counsel for the petitioners, in support of their contentions, relied on the following Judgments:

1. *Bharath Petroleum Corporation Ltd., Vs. N.R.Vairamani*<sup>1</sup>
2. *Sonraj Vs. Ramkishroe and another*<sup>2</sup>
3. *Tata Teleservices Ltd., Vs. Assistant Commissioner, Large Tax Payer Unit, Hyderabad and others*<sup>3</sup>
4. *Municipal Corporation of Delhi Vs. Guranm Kuar*<sup>4</sup>

11. The learned Special Government Pleader appearing for Additional Advocate-General contended that the petitioners are bound to prove the majority since they have lost confidence of majority of MPTC Members which is the object of the Act, otherwise the purpose of democratic set up and the privilege of no confidence motion given to the MPTC members under Section 263 of the Telangana Panchayat Raj Act, 2018 will be hopelessly frustrated.

12. The learned Special Government Pleader further contended that though the Telangana Panchayat Raj

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<sup>1</sup> 2004 (8) SCC 579

<sup>2</sup> SCC ONLINE Raj 52

<sup>3</sup> (2009) 0 Supreme (AP) 29

<sup>4</sup> 1989 (1) SCC 101

Act, 1994 was repealed, under sub-Sections 2 and 3 of Section 295 of Telangana Panchayat Raj Act, 2018, the Legislature made it clear that under the provisions of Section 8 and 18 of Telangana General Clauses Act, 1891 shall apply provided that on such repeal rules and provisions are consisting with the new Act, besides the fact that notwithstanding the repeal of Telangana Panchayat Raj Act, 1994 any appointment, notification, order, scheme, rule, form Notice or bye-law made or issued, and any license or permission granted under the Act shall in so far as it is not inconsistent with the provisions of the Act continue in force and be deemed to have been made, issued or granted under the provisions of the Act, unless it is superseded by any appointment, notification, order, scheme, rules, form, notice or bye-law made or issued and any licenses or permissions granted under the said provisions. The objections raised by the petitioners are not

maintainable and requested to dismiss all the writ petitions.

13. Learned Special Government Pleader, in support of his contentions, relied on the following Judgments:

1. ***Kethireddy Jeevan Reddy Gaddam Vs. The State of Telagana and others***<sup>5</sup>
2. ***Kethireddy Jeevan Reddy Gaddam Vs. The State of Telagana and others***<sup>6</sup>
3. ***Kethireddy Jeevan Reddy Gaddam Vs. The State of Telagana and others***<sup>7</sup>
4. ***Manjula Ramesh Chigullapalli Vs. State of Telangana and batch***<sup>8</sup>
5. ***Reshma Reddy Vs. Dandem Mahipal Reddy, and batch***<sup>9</sup>
6. ***L.Rajanna Vs. State of Telangana***<sup>10</sup>
7. ***K.Sujatha Vs. Government of Andhra Pradesh and Anr*** <sup>11</sup>
8. ***V.Surender Vs. State of Telangana***<sup>12</sup>

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<sup>5</sup> Unreported Judgment in WP No.14470 of 2022  
Of High Court for the State of Telangana  
Dated: 06.07-2022

<sup>6</sup> Judgment in WA No.474 of 2022  
Of High Court for the State of Telangana  
Dated:11.08-2022

<sup>7</sup> Order in SLP No.21634 of 2022 of Hon'ble  
Supreme Court Dated:02.12.2022

<sup>8</sup> Common Order in WP 2516 of 2023 and batch of  
High Court for the State of Telangana dated  
06.10.2023

<sup>9</sup> Common Judgment in W.A.No.38 of 2024 and batch  
Of High Court of the State of Telangana  
Dated 31.01.2024

<sup>10</sup>Judgment in WA No.792 of 2022 of High Court  
Of Telangana dated 06.12.2022

<sup>11</sup> 2004 (2) APLJ 330 (HC)

<sup>12</sup> Common Judgement in WA No.627 of 2022 and  
WP No.35537 of 2022 of High Court for the

14. Learned Counsel for the unofficial respondents contended that the unofficial respondents were elected as MPTCs in the year, 2019 and majority of MPTCs in their respective Mandals have moved the No Confidence Motions against the petitioners and the rules made under the G.O.Ms.No.200, PR & RD, dated 28.04.1998 are applicable till rules are framed under the Telangana Panchayat Raj Act, 2018. The purpose and object of Form-V notice is only to give due intimation to the members or information of the proposed meeting for No Confidence Motion and mere non-supplying of Form-II and letter of intention to move No Confidence along with Form-V is not a valid ground to set aside the proceedings of No Confidence Motion as per Judgments of this Court. The procedure adopted by the Revenue Divisional Officers in issuing Form-V is valid and legal as per G.O.Ms.No.200, PR & RD, dated 28.04.1998 and the same shall be

continued in force until a new procedure is contemplated by the legislature in consonance with the Telangana Panchayath Raj Act, 2018.

15. The learned Counsel for the un-official respondents further contended that this court on various instances while interpreting the provisions of Telangana Panchayat Raj Act, 2018 and the Telangana Municipalities Act, 2019 in the context of no confidence motions moved against the Upa-Sarpanches, Municipal Council Chairpersons/ Vice-Chairpersons and held that where new rules are not framed under the new Act, the rules made under the old Act are applicable in view of repeal and saving clauses. As per the fundamental principle governing Panchayat as well as Municipalities, a person cannot hold the office without having majority support and requested to dismiss the writ petitions.

16. Learned Counsel for the unofficial respondents, in support of their contentions, relied on the following Judgments:

1. **Chief Inspector of Mines and another Vs., Lala Karam Chand Thappar and others** <sup>13</sup>
2. **Poonjabhai Vanmalidas Vs. Commissioner of Income Tax, Ahmedabad**<sup>14</sup>
3. **State of Punjab Vs. Harnek Singh**<sup>15</sup>
4. **Dodda Prveen Reddy Vs. Government of Telangana**<sup>16</sup>
5. **Brihan Maharashtra Sugar Syndicate Ltd. Vs. Janardhan Ramchandra Kulkarni and others**<sup>17</sup>
6. **Tirparthi Chandra Vs. Government of Andhra Pradesh and Anr** <sup>18</sup>
7. **Borlakunta Divisional Officer, Karimnagr District and others Vs. Revenue Divisional Officer, Jagital and others**<sup>19</sup>

17. After hearing both sides and on perusing the record this Court is of the considered view that the main contention of the petitioners is after coming into force of Telangana Panchayat Raj Act, 2018, no new Rules are framed to move No Confidence Motion and

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<sup>13</sup> 1962 (1) SCR 9

<sup>14</sup> 1992 Supp (1) SCC 182

<sup>15</sup> 2002 (3) SCC 481

<sup>16</sup> 2004 0 Supreme (AP) 684

<sup>17</sup> 1960(3) SC 85

<sup>18</sup> (1998) 1 ALD 431

<sup>19</sup> (2006) 6 ALD 402

in the instant cases the respondents-authorities taking into account of the G.O.Ms.No.200, PR & RD, dated 28.04.1998, which was issued as per Telangana Panchayat Raj Act, 1994 and the Revenue Divisional Officer has no power and jurisdiction to issue Form-V notices for No Confidence Motion against the petitioners. The petitioners are contending that as per Section 263 of Telangana Panchayat Raj Act, 2018 the prescribed authority has to be defined by the Government by issuing rules in consonance with the new Act, 2018 and the Revenue Divisional Officers are not competent authorities for receiving and issuance of notices for No Confidence Motion and issuing Form-V Notices as per old rules is not valid and they are not prescribed authorities as per Section 263 of Telangana Panchayat Raj Act, 2018.

18. Further contention of the petitioners is that the No Confidence Motion of Upa-Sarpanch deals with Section 30 of the Panchayat Raj Act, 2018 and No

Confidence Motion of Presidents/Vice Presidents of Mandal Parishads and Zilla Parishads deals with Section 263 of the same Act and in view of the same the Judgments passed by the Single Judge and Division Bench of this Court relating to No Confidence Motion of Upa-Sarpanch are not applicable to the instant cases.

19. As no new rules are issued in consonance with the new Act, it is necessary to compare the provisions relating to No Confidence Motion in the Old Act and new Act, which are as follows:

**The Section 245 of repealed Panchayat Raj Act, 1994** reads as under:

Motion of no confidence in Upa-Sarpanch, President or Chairman:—

- (1) A motion expressing want of confidence in the Upa-Sarpanch or President or Vice-President or Chairman or Vice-Chairman may be made by giving a written notice of intention to move the motion in such form and to such authority as may be prescribed, signed by not less than one-half of the total number of members of the Gram Panchayat, Mandal Parishad, or



as the case may be the Zilla Parishad and further action on such notice shall be taken in accordance with the procedure prescribed:

Provided that no notice of motion under this section shall be made within two years of the date of assumption of office by the person against whom the motion is sought to be moved:

Provided further that no such notice shall be made against the same person more than once during his term of his office:

**Explanation:—** For the removal of doubts, it is hereby declared that for the purpose of this section the expression "total number of members" means, all the members who are entitled to vote in the election to the office concerned inclusive of the Sarpanch, President or Chairman but irrespective of any vacancy existing in the office of such members at the time of meeting:

Provided that a suspended office-bearer or member shall also be taken into consideration for computing the total number of members and he shall also be entitled to vote in a meeting held under this section.

**The Section 30 of Telangana Panchayat Raj Act, 2018 for Motion of No-Confidence-**

**Upa Sarpanch**, reads as follows:

(1) A motion expressing want of Confidence in the Upa-Sarpanch, may be made by giving a written notice of intention to move the motion in such form and to such authority as may be prescribed, signed by not less than one half of the total number of Members of Gram Panchayat, and further action on such notice shall be taken in accordance with the procedure prescribed.

Provided that no notice of motion under this section shall be made within two years of the date of assumption of office by Upa-Sarpanch:

Provided further that no such notice shall be made against the same Upa-Sarpanch more than twice during his term of office and the second no-confidence motion shall not be initiated before the expiry of two years from the date of first no-confidence motion.

**Explanation :-** For the removal of doubt, it is hereby declared that for the purpose of this section the expression 'total number of members' means, all the members who are entitled to vote irrespective of any vacancy existing in the office of such members at the time of meeting:

Provided that a suspended office bearer or member shall also be taken into consideration for computing the total number of members and he shall also be entitled to vote in a meeting held under this section.

## **The Section 263 of the Telangana Panchayat**

**Raj Act, 2018** reads as follows:

Motion of no-confidence in President or Chairperson. -(l)

A motion expressing want of confidence in the President or Vice-President or Chairperson or Vice-Chairperson may be made by giving a written notice be of intention to move the motion in such form and to such authority, as may be prescribed, signed by not less than one half of the total number of members of Mandal Praja Parishad or as the ca may be the Zulia Praja Parishad and further ton of such notice shall be taken in accordance with the procedure prescribed.

Provided that no notice of motion under this section shall be made within four years of the date of assumption of office by the person against whom the motion is sought to be moved;

Provided further that no such notice shall be made against the same person more than once during his term of office.

**Explanation:-** For the removal of doubts, it is hereby declared that for the purpose of this section the expression total number of members means, all the members who are entitled to vote in the election to the office concerned inclusive of the President or Chairperson but irrespective of any vacancy existing in the office of such members at the time of meeting:

Provided that a suspended office bearer or member shall also be taken into consideration for computing the total number of members and he shall also be entitled to vote in a meeting held under this section.

The Section 245 of old Panchayat Raj Act deals with No Confidence Motion of Upa Sarpanches, Presidents/ Vice Presidents of Mandal Parishads and Chairman and Vice-Chairman of Zilla Parishads. In the new Act, Section 30 deals with Upa Sarpanches, and Section 263 deals with Presidents/Vice Presidents of Mandal Parishads and Zilla Parishads. In both the old Act and new Act it is mentioned that No Confidence Motion has to be moved by giving written notice of intention to move in such Form and to such authority, as may be prescribed. In both the old Act and the new Act it is mentioned as prescribed authority has to issue notice of No Confidence Motion, but only the difference is, in the Section 30 it continued to move No Confidence Motion after two years, in Section 263 it was changed as Four years instead of two years.

Moreover, the matters relating to Upa-Sarpanch also the point for consideration was, whether without issuing of new rules, the G.O.Ms.No.200, PR & RD,

dated 28.04.1008 is applicable or not and this Court categorically held that rules made in G.O.Ms.No.200, PR & RD dated 28.04.1998 are applicable for No Confidence Motion of Upa-Sarpanches and the same was confirmed by the Hon'ble Supreme Court in ***Kethireddy Jeevan Reddy Vs State of Telangana (supra 7)***.

20. On the other hand the learned Counsel for the respondents contends that the rules issued in G.O.Ms.No.200, PR & RD dated 28.04.1998 are applicable to the new Act also in view of Section 295 of Telangana Panchayat Raj Act, 2018 as there are repeal and saving clauses. If no new rules are issued, the old rules are applicable till the new rules are issued which are not inconsistency with the new Act.

**The Section 295 of Telangana Panchayat Raj Act, 2018** reads as follows:

**295.** Repeal and Saving (1) The Telangana Panchayat Raj Act, 1994, is hereby repealed.

(2) On such repeal the provisions of sections 8 and 18 of the Telangana General Clauses Act, 1891 shall apply, provided that on such repeal rules or provisions existing are not inconsistent with this Act.

(3) Notwithstanding the repeal of the Telangana Panchayat Raj Act, 1994 any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any license or permission granted under the Act shall, in so far as it is not inconsistent with the provisions of this Act continue in force and be deemed to have been made, issued or granted, under the provisions of this Act, unless it is superseded by any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any license or permission granted under the said provisions.

In the above Section, it is clearly mentioned that even after repealing of old Act, Sections 8 and 18 of the Telangana General Clauses Act, 1891 shall apply and until new rules are issued old rules will continue which are not inconsistent with the provisions of the new Act. Therefore, the contention raised by the respondents is valid. If there are no rules, the old rules which are not inconsistent with the old Act are applicable as per Telangana Panchayat Raj Act, 2018.

21. The other contention raised by the learned Counsel for the petitioners is that the Judgments rendered by this Court in ***Manjula Ramesh Chigullapally Vs. State of Telangana and batch (supra)*** and batch, which was confirmed by this Court in ***Reshma Reddy Vs. Dandem Mahipal Reddy and batch (supra 9)*** deals with No Confidence Motion of Chairpersons/Vice-Chairpersons under Municipalities Act, 2019 and as per Section 37 of the Municipalities Act, there is a specific mention that the District Collector is the prescribed authority and in the instant cases there is no mention that the Revenue Divisional Officer is the prescribed authority and as per Section 2 (31) of the Panchayat Raj Act, 2018, the prescribed authority is to be notified by the Government by issuing Rules in the new Act.

In fact, the point for consideration in the above Judgments was whether the old rules are applicable where there are no rules framed and the Single Judge

and the Division Bench of this Court in the above Judgements categorically held that if there are no rules, the old rules apply for moving No Confidence Motion in view of repeal and saving clauses in the Telangana Municipalities Act, 2019 while considering the Sections 8 and 18 of the Telangana General Clauses Act, 1891.

22. In the instant cases also, there are no rules under the new Act and there is existence of repeal and saving clauses. Therefore, the old rules which are in consonance with the new Act apply for moving No Confidence Motion under Telangana Panchayath Raj Act, 2018.

23. The Judgments relied on by the learned Counsel for the petitioners are not apply to the instant cases on facts and law and this Court not passing these orders as a covered order and passing orders



independently basing on the facts and law and on merits of each case.

24. The following Judgments, relied on by the learned Counsel for the respondents squarely apply to the instant cases.

25. In ***State of Punjab Vs. Harnek Singh (supra 15)***, the Hon'ble Supreme Court held as follows:

"22. There is no dispute that when an Act is repealed but re-enacted, it is almost inevitable that there will be some time lag between the re-enacted statute coming into force and regulations being framed under the re-enacted statute. In *Chief Inspector of Mines & Anr., etc. vs. Karam Chand Thapar, etc.* [AIR 1961 SC 838] this Court observed that:

"However, efficient the rule-making authority may be it is impossible to avoid some hiatus between the coming into force of the re-enacted statute and the simultaneous repeal of the old Act and the making of regulations. Often, the time lag would be considerable. It is conceivable that any legislature, in providing that regulations made under its statute will have effect as if enacted in the Act, could have intended by those words to say that if ever the Act is repealed and re-enacted, (as is more than likely to happen sooner or later), the regulations will have no existence for the purpose of the re-enacted statute, and thus the re-enacted statute, for some time at least, will be in many respects, a dead letter. The answer must be in the negative. Whatever the purpose be which induced the draftsmen to adopt this legislative form as regards the rules and regulations that they will have effect "as

if enacted in the Act", it will be strange indeed if the result of the language used, be that by becoming part of the Act, they would stand repealed, when the Act is repealed. One can be certain that that could not have been the intention of the legislature. It is satisfactory that the words used do not produce that result."

In the above Judgment the Hon'ble Supreme Court categorically held that, as stop gap arrangements, till new rules are framed, the old rules with consistency to the new Act can be followed. The learned Counsel for the respondents rightly contended that the rules made in G.O.Ms.No.200, PR & RD, dated 28.04.1998 are applicable to the new Act as per Section 295 of Telangana Panchayat Raj Act, 2018 as no new rules are framed as on this date.

26. The Division Bench of this Court in **V.Surender Vs. State of Telangana (supra 12)**, held as follows:

"12. Panchayats as well as municipalities have now been brought under the constitutional scheme by way of the 73rd Constitutional Amendment. The fundamental principle governing panchayats and municipalities is that these bodies are to be run and managed on the strength of popular mandate. A person cannot hold onto office without having the majority support. Learned Government Pleader has pointed out that the Revenue Divisional Officer had only conveyed

the sentiments of the majority members by issuing the notice which is nothing but consequential”

In ***Tirparthi Chandra Vs. Government of Andhra Pradesh, (supra 18)***, this Court held as follows:

18. In all the representative democratic Institution under the Constitution, which include Panchayat Raj Institutions, the continuance of the persons in the Executive officers depending on their continuing enjoyment of the support of the body which elected them to the particular office. To hold, otherwise would be a mockery of the representative form of democracy”

In the above Judgments, this Court held that the elected representative cannot continue to hold the post on technical grounds and in the instant cases also the petitioners questioning the procedure adopted by the Revenue Divisional Officers as the same was pertaining to old rules and quoting old Act in the notices. The said contention of the petitioners cannot be accepted as the petitioners without facing No Confidence Motion, they cannot be continued in their respective posts on

the ground of no rules are framed for moving No Confidence Motion as per Section 263 of Telangana Panchayat Raj Act, 2019.

27. The contention raised by the petitioners is that some of them have received notices in Form-V for holding meeting for No Confidence Motion within fifteen days and the same is contrary to G.O.Ms.No.200, PR & RD dated 28.04.1998. In fact, the issue was considered by the Full Bench of this Court in ***K.Sujatha Vs. Government of Andhra Pradesh (supra 11)*** and held that the purpose and object of giving notice of consideration of no confidence motion is only to give due intimation to the members or information of the proposed meeting and non-service of notice of fifteen clear days cannot make the meeting and proceedings are null and void. In view of the above settled law, the petitioners' contentions cannot be acceptable.

28. The other contention of the petitioners that some of them have not received Form-II notices or the Notice of intention to move No Confidence Motion along with Form-V. At the time of arguments the learned Special Government Pleader produced before this Court both Form-II and Notice of Intention to move No Confidence Motion submitted to the concerned Revenue Divisional Officers, but not served along with Form-V notices. Along with Form-V notices, service of Form-II and notice of intention to move No Confidence motion is not mandatory as held by this Court in ***Rangu Pushpalatha Vs. State of Telangana and others***<sup>20</sup>. Therefore, the contentions raised by the petitioners in this regard cannot be acceptable.

29. The other contention raised by the petitioners is that the Revenue Divisional Officer without verifying the signatures of the Members in the Form-II and notice of intention to move No Confidence Motion

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<sup>20</sup> 2023 SCC ONLINE TS 662

issued Form-V and on the ground of non-verification of signatures of the Members in the notice of intention to move No Confidence Motion and Form-II and the same are liable to be set aside, but in support of their contention, they have failed to show any provision/Rule before this Court with regard to compulsorily verification of signatures by the Revenue Divisional Officer before issuing Form-V Notices. This Court under Article 226 of Constitution of India, cannot verify the signatures of the Members and if any dispute is there with regard to signatures of the Members the same has to be decided before the appropriate authorities. In view of the same, the contentions raised by the petitioners in this regard cannot be acceptable.

30. Further, the petitioners on one hand contending that the respondents cannot initiate No Confidence Motion basing on the old rules and on the other hand contending that the respondents have to follow the

procedure as per old rules. It is clearly shows that the petitioners wanted to evade the No Confidence Motion on the ground that there are no rules or otherwise the old rules are not followed. Therefore, the petitioners without facing No Confidence Motion wanted to stall the proceedings on one pretext or the other and they cannot continue in their respective posts without facing No Confidence Motion on technical grounds as one-half of the total number of Members of Mandal Praja Parishads moved No Confidence Motion against the petitioners.

31. In view of the above findings, all these writ petitions are liable to be dismissed and accordingly dismissed as devoid of merits. Consequently, the respective Revenue Divisional Officers are directed to hold the Meeting to discuss “No Confidence Motion”, on or before 02.04.2024, by serving the notices upon all the Members in pursuance to the impugned Form-V Notices in the respective writ petitions.

32. As a sequel, Miscellaneous applications pending, if any, in all these writ petitions, shall stand closed.

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**JUSTICE K.SARATH**

**Date:12/03/2024**

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**Note:**

**LR Copy to be marked**

**Issue CC today**