

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

[3418]

MONDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT APPEAL NO: 951 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against The Order Dated.08/08/2024 in I.A.No.1 of 2024 in WP. No. 21205 of 2024 on the file of the High Court.

Between:

Jakka Venkat Reddy, S/o Baddam Yadi Reddy, Aged about 48 years, Occ.Mayor of Peerzadiguda Municipal Corporation R/o H. No. 14-63/A501, AV Info Pride, Medipally,Peerzadiguda Municipal Corporation, Medchal-Malkajiri District - 500098.

AND

...APPELLANT

1. The State of Telangana, Rep., by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The District Collector, Medchal-Malkajiri District.
3. The Revenue Divisional Officer, Keesara Division, Medchal-Malkajiri District.
4. Telangana State Election Commission, 1st Floor, DTCP Building, Opp. PTI Building, AC Guards, Hyderabad - 500004,Rep., by the State Election Commissioner.
5. Peerzadiguda Municipal Corporation, Medchal-Malkajiri District,Rep., by its Commissioner.
6. Kethavath Subash, S/o Kethavath Rupala, Aged about 44 years, Occ.Corporator, R/o H. No. 8-132, Neelakanta Residency, Sri Sai Naga Medipally, Medchal-Malkajiri District, Telangana - 500098.
7. Bitinti Sharadha Eshwar Reddy, W/o Bitinti Eshwar Reddy, Aged about 36 years, Occ.Corporator, R/o Pavathapur Village, Medipally, Medchal-Malkajiri District, Telangana - 500098.
8. Yasaram Maheshwari, W/o Yasaram Mahesh Aged about 33 years, Occ.Corporator (4th Division) R/o. H.No.4-58 Lakshmi nagar Coloney, Parvathapur, Medipally Mandal, Peerzadiguda Municipal Corporation -500098
9. Bodige Swathi Goud, W/o Krishna Goud, Aged about 39 years, Occ. Corporator (5th Division) R/o. H.No.1-18 Mallikarjun Nagar, Parvathapur, Medipally Mandal, Peerzadiguda Municipal Corporation -500098
10. Chandrakala Madugula, W/o M Chandra Reddy, Aged about 49 years, Occ.Corporator (7th Division) R/o. H.No.12-13/1, Old Village, Peerzadiguda, Peerzadiguda Municipal Corporation -500098

11. Bacha Raju, S/o Mallesh, Aged about 49 years, Occ.Corporator (9th Division) R/o . H.No.1-117, Mallikarjun Nagar, Peerzadiguda, Medipally Mandal, Peerzadiguda Municipal Corporation -500098
12. Veeramalla Sumalatha, W/o Satyanarayana, Aged about 50 years, Occ. Corporator (10th Division), R/oH.no.2-99/1, Mallikarjun Nagar, Peerzadiguda, Medipally Mandal, Peerzadiguda Municipal Corporation -500098
13. Amar Singh, S/o Anil Singh, Aged about 39 years, Occ.Corporator (12th Division), R/o.H.No. 9-94/1/58, Ramchander Singh Coloney, Peerzadiguda, Medipally Mandal, Peerzadiguda Municipal Corporation -500098
14. Tumukuntala Prasanna Laxmi, W/o T. Sridhar Reddy, Aged about 46 years, Occ.Corporator (13th Division), R/o 12-308, P and T Colony, Road No. 1, Green Fields High School, Medipally, Medchal-Malkajgiri District, Telangana - 500098.
15. Pasham Shashirekha, W/o Pasham Buchi Yadav, Aged about 45 years, Occ.Corporator (14th Division), R/o.3-171, Vivekanand nagar, Medipally, Medipally Mandal, Peerzadiguda Municipal Corporation -500098
16. Bandi Ramya, W/o Bandi Satya Narayana, Aged about 45 years, Occ.Corporator (16th Division), R/o. 7-93/3, Bandi Sathaiah Coloney, Shankar Nagar, Peerzadiguda, Medipally Mandal, Peerzadiguda Municipal Corporation -500098
17. Kurra Shiva Kumar Goud, S/o Yellaiah, Aged about 45 years, Occ.Corporator (17th Division), R/o.H.No.18-1/43, Adarsh Nagar, Road No.1, Shiva Building, Medipally Mandal, Peerzadiguda, Peerzadiguda Municipal Corporation - 500098
18. Kurra Shalini, W/o Srikanth Goud, Aged about 35 years, Occ.Corporator (18th Division), R/o.H.No.18-1/43, Adarsh Nagar, Road No.1, Shiva Building, Medipally Mandal, Peerzadiguda, Peerzadiguda Municipal Corporation - 500098
19. Aluwala Saritha, W/o Devander, Aged about 37 years, Occ. Corporator (19th Division) , R/o.10-99/5A, Ramakrishna Nagar, Peerzadiguda, Medipally Mandal, Peerzadiguda Municipal Corporation -500098
20. Koude Pochaiiah, S/o Yadagiri, Aged about 57 years, Occ.Corporator (20th Division), R/o. 9-101/2, Channa Reddy Enclave, Medipally Mandal, Peerzadiguda, Peerzadiguda Municipal Corporation -500098
21. Pittala Mallesh, S/o Jangaiah, Aged about 47 years, Occ.Corporator (21st Division), R/o 9-144, Beside Sai Maharaja Apartment, Medipally Mandal, Peerzadiguda, Peerzadiguda Municipal Corporation -500098
22. Bheemreddy Naveen Reddy,, S/o Somireddy, Aged about 46 years, OccCorporator (22nd Division), R/o.H.No.5-112, Budhanagar, Peerzadiguda, Medipally Mandal, Peerzadiguda Municipal Corporation -500098
23. Rajeshwari Pappula, W/o Anji Reddy, Aged about 38 years, Occ. Corporator (26th Division), R/o.7-59,Shankar Nagar, Peerzadiguda, Medipally Mandal, Peerzadiguda Municipal Corporation -500098
24. Maddi Yugender Reddy, S/o Sattireddy, Aged about 57 years, Occ.Corporator (11th Division), R/o.4-82/1, Budhanagar, Peerzadiguda, Medipally Mandal, Peerzadiguda Municipal Corporation -500098

...RESPONDENTS

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the result of the meeting of no confidence scheduled on 09.08.2024 and any further action taken by the official Respondent Nos.1 to 5 in pursuance to the said meeting

IA NO: 3 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings, including the meeting scheduled to be held on 09-08-2024, in pursuance to Form-I Notice dated 18.07.2024 moved by the Respondent Nos. 5 to 24 and Form-II Notice dated 24.07.2024 issued by the 2nd Respondent during pendency of this Writ Appeal

**Counsel for the Appellant: SRI A. VENKATESH, SENIOR COUNSEL FOR
SRI V. MURALI MANOHAR**

**Counsel for Respondent Nos. 1 to 3: SRI MOHD. IMRAN KHAN,
ADDITIONAL ADVOCATE GENERAL**

Counsel for Respondent No. 5: SRI B. JAGAN MADHAV RAO

**Counsel for Respondent No. 22: SRI C. RAGHU, SENIOR COUNSEL FOR
SRI B. SATISH**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.951 OF 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. A.Venkatesh, learned Senior Counsel appears for Mr. V.Murali Manohar, learned counsel for the appellant.

Mr. Mohammed Imran Khan, learned Additional Advocate General for the State of Telangana appears for respondent Nos.1 to 3.

Mr. C.Raghu, learned Senior Counsel appears for Mr. B.Sathish, learned counsel for respondent No.22.

2. This intra court appeal arises out of an order dated 08.08.2024 passed by the learned Single Judge in I.A.No.1 of 2024 in W.P.No.21205 of 2024, by which the interlocutory application filed by the appellant seeking stay of further proceedings including the meeting scheduled on 09.08.2024 in pursuance of the Form-I notice dated 18.07.2024 moved by the respondent Nos.5 to 24 and Form-II notice dated 24.07.2024 issued by the District Collector, has been dismissed.

3. Facts giving rise to filing of this appeal briefly stated are that the appellant was elected as Corporator of Ward No.1, Peerzadiguda Municipal Corporation (hereinafter referred to as 'the Corporation') and thereafter was elected as Chairperson of the said Corporation in 2020. The total number of Corporators in the said Corporation was twenty six. On 06.05.2024, fourteen Corporators moved a motion of no-confidence against the appellant. Thereupon, the Collector issued Form-II informing the Corporators that meeting of the Corporation takes place on 05.06.2024 at 11.00 a.m.

4. It is the case of the appellant that on 05.06.2024, twelve out of twenty six Corporators abstained from attending the meeting as they were abroad along with the appellant and five Corporators had withdrawn their signatures. Thus, seventeen out of twenty six Corporators had abstained or withdrawn their signatures against the required quorum of eighteen Corporators required to attend the meeting. According to the appellant, the Collector therefore adjourned the meeting on the ground that the same cannot be conducted without conclusion of criminal proceedings in F.I.R.No.612 of 2024.

5. Thereafter, respondent Nos.5 to 24 moved another motion of no-confidence on 18.07.2024 against the appellant. The Collector again issued Form-II notice on 24.07.2024 in violation of Section 37 of the Telangana Municipalities Act, 2019. The appellant thereupon challenged the aforesaid action in a writ petition, namely W.P.No.21205 of 2024 challenging the Form-II notice issued by the Collector. Along with the writ petition, an application seeking stay of all further proceedings including the meeting which was scheduled to be held on 09.08.2024 was challenged by the appellant. The learned Single Judge by an order dated 08.08.2024 has dismissed the interlocutory application on the ground that the appellant has failed to make out a *prima facie* case for grant of interim relief. Hence, this Appeal.

6. Learned Senior Counsel for the appellant submitted that the learned Single Judge ought to have appreciated that the Collector has no power to adjourn the meeting in view of Rule 10 of the Municipalities (Motion of No-confidence in Chairperson/Vice-chairperson) Rules, 2008. It is further submitted that the meeting scheduled to be held on 05.06.2024 could not be held for want of quorum and therefore, in view of

the mandate contained in Section 37 of the Telangana Municipalities Act, 2019, the second motion of no-confidence could not have been made against the appellant as the same bars the motion within three years. In support of the aforesaid submissions, reliance has been placed on the decision of the Division Bench of the Karnataka High Court dated 13.06.2024 in W.A.No.1508 of 2023 (**P.Reethi Mune Gowda vs. the State of Karnataka and others**) and on a decision of the Supreme Court dated 29.07.1988 in S.L.P. (C) No.7508 of 1988 (**Chandrakant Khaire vs. Shantaram Kale and others**).

7. We have considered the submissions and have perused the record.
8. Admittedly, the writ petition filed by the appellant challenging the action of the Collector in adjourning the meeting on 05.06.2024 as well as the validity of notice dated 24.07.2024 is pending before the learned Single Judge. Admittedly, the meeting for consideration of motion of no-confidence has been held against the appellant on 09.08.2024 and a motion of no-confidence has been passed. Therefore, it is not necessary to examine the validity of the order dated 08.08.2024 passed by the learned Single Judge refusing the grant of interim relief as the

challenge to the same has been rendered academic. However, needless to state that any action taken during the pendency of the writ petition shall be subject to outcome of the writ petition. It is open for the appellant to make a prayer before the learned Single Judge for expeditious hearing of the writ petition, if so advised.

9. The writ appeal is accordingly disposed of. There shall be no order as to costs.

Miscellaneous petitions, pending if any, shall stand closed.

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Sd/- K. SHYLESHI
DEPUTY REGISTRAR
SECTION OFFICER

To,

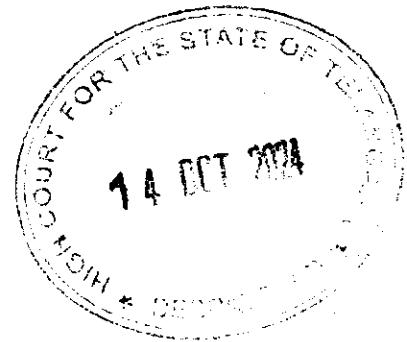
1. One CC to Sri V. Murali Manohar Advocate [OPUC]
2. Two CCs to GP For Municipal Administration & Urban Development, High Court for the State of Telangana. [OUT]
3. Two CCs to the Advocate General, High Court for the State of Telangana. [OUT]
4. One CC to Sri B. Satish, Advocate(OPUC)
5. Two CD Copies

MBC

MP *Ks*

HIGH COURT

DATED: 19/08/2024



JUDGMENT

WA.No.951 of 2024

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

*9 copies
for
27/9/24*