HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.41102 of 2015

Date:18.12.2015

Between:
K.Shravanth Kumar Reddy,
S/o K.Adinarayana Reddy

..... Petitioner

And:
The State of A.P., reptd., by its
Principal Secretary, Panchayat Raj
Hyderabad and four others.

.....Respondents

Counsel for the Petitioner: Mr. P.Bhaskar

Counsel for Respondent Nos.1 to 3: AGP for Panchayat Raj (AP)

The Court made the following:
ORDER:

The petitioner, who is a member of Ward No.5 of Balapanuru Village, Simhadripuram Mandal, YSR Kadapa District, filed this Writ Petition feeling aggrieved by proceedings, vide R.K.No.1783/2015-A2, dated 25.11.2015, of respondent No.3, whereunder she has kept respondent No.4 as in-charge of Sarpanch consequent on the death of the person holding the office of Sarpanch on 09.8.2015.

The only ground on which the impugned

proceedings are questioned is that though respondent No.4 has not been elected as Upa Sarpanch, she has been recognised as such and kept in-charge of the office of Sarpanch.

Learned Assistant Government Pleader for Panchayat Raj (Andhra Pradesh) placed reliance on sub-section-3 of Section-26 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act'), which enables the competent authority to allow one of the members of the Gram Panchayat to function as Sarpanch, if the offices of Sarpanch and Upa Sarpanch fall vacant. Admittedly, respondent No.4 is a member of Balapanuru Gram Panchayat. Though the impugned proceedings were issued under Section-26(1) of the Act, which provides for devolution of powers of Sarpanch on Upa Sarpanch, that by itself will not vitiate the said proceedings as, the power of allowing a member of the Gram Panchayat to exercise the functions of Sarpanch is vested in respondent No.3 under sub-section-3 of Section-26 of the Act. Therefore, even if by mistake of fact, respondent No.3 has considered respondent No.4 as Upa Sarpanch, in view of availability of power in the said respondent to justify his action under sub-section-3 of Section-26 of the Act, I am not inclined to interfere with the impugned proceedings.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.53038 of 2015 filed by the petitioner for interim relief is dismissed as infructuous.

_____

JUSTICE C.V.NAGARJUNA REDDY

18th December, 2015
DR