

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION NO.10835 OF 2015

ORDER:

This writ petition is filed for a *Writ of Mandamus* declaring the action of the 2nd respondent in issuing impugned proceedings dated 27.03.2015, as illegal and arbitrary and for a consequential direction to set aside the same.

The case of the petitioner is that he is elected as Sarpanch of Gram Panchayat, Naikanpet, Bheemini Mandal, Adilabad District. While so, the 2nd respondent passed impugned proceedings dated 27.03.2015 suspending the petitioner as Sarpanch for a period of 3 months on allegation that he has misutilised the powers and functions of Sarpanch. Aggrieved by the same, the present writ petition is filed.

Counter is filed by the 2nd respondent stating that the petitioner has been placed under suspension for misutilising the powers and functions and also for the offence alleged to have been committed by person involved moral turpitude and attracted the provisions of A.P.Panchayat Raj Act, 1994.

Learned counsel for the petitioner submits that though explanation is filed by the petitioner in pursuance of the show cause notice 05.01.2015, the respondent authorities without considering the same passed impugned orders, which is in violation of principles of natural justice.

Learned Government Pleader for Panchayat Raj submits that impugned order may be set aside giving liberty to pass fresh orders by considering the explanation of the petitioner.

In this case, though explanation is filed, it is stated that the same is not convincing. This shows the total non application of mind by the 2nd respondent. The 2nd respondent has to reject or consider the explanation of the petitioner. Instead, the 2nd respondent stated that it is not convincing, without assigning any reasons.

Since impugned order does not contain any reasons and explanation of the petitioner is not considered, the impugned order is set aside and the 2nd respondent is directed to consider the explanation of the petitioner take appropriate action in accordance with law after giving an opportunity to the petitioner.

Accordingly, the writ petition is allowed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

01.05.2015

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