

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4955 OF 2009

ORDER

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The case of the petitioner is that he was elected as Sarpanch of the Grampanchayat Devatpalli, Nampally Mandal, Nalgonda District. While so, basing on the complaint of Upa-Sarpanch, the 1st respondent issued a show cause notice dated 05.02.2009 asking the petitioner to submit explanation as to why he should not be removed from the post of Sarpanch and why an amount of Rs.2,96,464/- should not be recovered from him. Though the petitioner submitted explanation on 24.02.2009, the same was not considered by the respondents on the ground that the same was submitted belatedly and passed an impugned order, removing him from the post of Sarpanch and asking him to pay the alleged amount of Rs.2,96,464/-. Aggrieved by the same, the present writ petition is filed.

No counter affidavit is filed.

Sri E.Madan Mohan Rao, learned counsel for the petitioner submits that since the term of the Sarpanch has expired, the writ petition to that extent becomes infructuous. He also submits that there is no determination or consideration of explanation submitted by the petitioner though it has received by the 1st respondent prior to passing of the impugned order.

On the other hand, learned Assistant Government Pleader for Panchyat Raj submits that though the petitioner was given opportunity, he has not submitted explanation in time.

A perusal of the impugned order goes to show that the explanation of the petitioner was not considered though it was received by the respondents prior to passing of the impugned order. It also shows that there is no proper determination as to how the respondents have come to the conclusion that petitioner is liable to pay the alleged amount.

In view of the same, the impugned order is set aside to the extent of directing the petitioner to pay the alleged amounts and it is open for the

respondents to pass orders afresh by considering the explanation of the petitioner, after giving him an opportunity of hearing. It is also open to the petitioner to submit further explanation if any within a period of four weeks from today. Thereafter, the respondents shall consider the same and pass appropriate orders in accordance with law. However, if petitioner fails to submit the explanation within the aforesaid period, the respondents may pass orders basing on the material available on record. Further, as it is stated by the learned counsel for the petitioner that the term of the petitioner as Sarpanch has expired, the writ petition becomes infructuous to that extent.

With the above direction, the writ petition is disposed of. No costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 28.09.2015

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