

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13350 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the impugned show cause notice dated 24.04.2015 issued by the 5th respondent for removal of drinking water tap connections of the petitioners situated in Alluru Village, Kothapatnam Mandal, Prakasam District, as arbitrary, illegal and contrary to the report of the 4th respondent dated 20.10.2014 and consequently, to direct respondents not to remove the drinking water tap connections by setting aside the impugned notice.

The case of the petitioners is that they are having tap connections with the 5th respondent-Allur Grampanchayat and the impugned notice was issued stating that the then Panchayat Secretary of the Grampanchayat has not deposited the amount collected from the people towards water tap connections and they were directed to submit an explanation. Aggrieved by the same, this writ petition is filed.

Heard the learned counsel for the petitioners, the learned Government Pleader for Panchayat Raj appearing for respondents 1 to 4 and Sri G.Seshadri, learned Standing Counsel appearing for respondents 5 and 6.

Learned counsel for the petitioners submit that when there are allegations against the Panchayat Secretary, R4 enquired and submitted a report dated 20.12.2014 in respect of irregularities committed by Panchayat Secretary in not depositing amounts collected from the petitioners and without considering the said report, basing on the memo issued by the Joint Collector, Grampanchayat has passed resolution and show cause notice is issued, without application of mind.

Learned Standing Counsel appearing for respondents 5 and 6 submits that basing on the resolution passed by the Grampanchayat, the impugned show cause notice is issued and it is for the petitioners to prove that they have paid the amount towards water tap connections and that it is not case of the petitioners that the show cause notice is without jurisdiction.

The only apprehension of the petitioners is that while issuing the impugned show cause notice, the report of Divisional Panchayat Officer dated 20.10.2014 was not taken into consideration. Since the impugned proceedings is only show cause notice and since the jurisdiction of the Grampanchayat is not questioned, it is for the petitioners to submit explanations and file proof of amounts paid by them regarding tap connections and the 5th respondent-Grampanchayat may consider the report of the Divisional Panchayat Officer dated 20.10.2014 along with explanation and proofs submitted by the petitioners and take a decision. Till then, there shall be stay of disconnection of water taps and the petitioners shall continue to pay future water charges regularly.

With the above directions, this Writ Petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

30.04.2015

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