

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO.24879 of 2015

Between :

P. Nagalakshmi W/o.P.Nagarjuna,
Aged about 63 yrs, Occu : Ex-Sarpanch,
R/o.Mudduru Village, Kankipadu Mandal,
Krishna District.

.. Petitioner

and

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Panchayat Raj Department,
Secretariat Buildings, Hyderabad & others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 10.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?
2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals
3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.24879 of 2015

ORDER :

The petitioner was the Sarpanch of Muddur Gram Panchayat for the period 2006 to 2011. Alleging that the petitioner committed financial irregularities during his functioning as Sarpanch, proceedings dated 30.06.2015 was issued demanding the petitioner to pay Rs.3,20,227/-.

2. Learned counsel for the petitioner contends that the said order is passed without prior notice or opportunity and without supplying the relevant material based on which, the alleged decision is taken. The petitioner was unaware of basis of such demand made. At no point of time, she was involved in the process of assessment of alleged loss caused to the Gram Panchayat and fixing the responsibility on the petitioner for such loss caused. Learned counsel contends that no such penal action can be taken without following the due process of law.

3. Though the proceedings title as show cause notice, but it is an order passed directing the petitioner to pay the amount already determined, granting ten days time for payment. Thus, a reading of the order itself would show that there was no prior notice caused on the petitioner calling upon her explanation, more particularly, having regard to the fact that the petitioner laid down the office in the year 2011 i.e., four years back. The proceedings also refer to some correspondence between various authorities which is never shared with the petitioner.

4. Learned Standing counsel fairly submits that a reading of the order would show that no prior notice was issued and that the proceedings dated 30.06.2015 should be treated as a notice and Gram Panchayat, be given opportunity to proceed with the matter further.

5. Having regard to the same, the proceedings dated 30.06.2015 is directed to be treated as show cause notice and the relevant documents based on which such proceedings are drawn up should also be communicated to the petitioner within a period of two weeks from the date of receipt of copy of this order. After receipt of the relevant documents, the petitioner shall file detailed explanation within further period of two weeks. After filing of the explanation by the petitioner, the District Panchayat Officer, Krishna District (2nd respondent), shall hold personal hearing by serving notice in advance to the petitioner and

after conducting personal hearing, shall pass appropriate orders as warranted by law. Until the orders are passed as directed above, no coercive steps shall be taken against the petitioner.

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

10th August, 2015.
Rds

P.NAVEEN RAO,J