

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8844 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 2nd respondent in passing the order in proceedings No.769/2015-A2(Pts) dated....2.2015, suspending the cheque power of the petitioner as illegal and violative of principles of natural justice and to set aside the same by directing the 2nd respondent to act in accordance with law.

The case of the petitioner is that she is a Sarpanch of Nizampet Village, Quthbullapur Mandal. She was elected in the year 2014. One of the employees of the Panchayat by name, M.Bhoomaiah, Junior Assistant obtained her signature on certain cheques by misrepresentation and misappropriated the same. After coming to know the same, she submitted a complaint on 23.12.2014 to the District Panchayat Officer but no action has been taken against the said M.Bhoomaiah. She served with an undated order passed by the 2nd respondent stating that the cheque drawing powers of the petitioner was withdrawn on the ground of financial irregularities in Grampanchayat administration. Aggrieved by the same, this writ petition is filed.

Learned counsel for the petitioner submits that the impugned proceedings passed in violation of Rule 42(1) of the Rules Relating to Taxes and Lodging of Monies and Payment of Monies by Grampanchayat (in brief 'the Rules'), mainly for the reason that no sufficient reasons are recorded and also no period is mentioned in the impugned order. The Learned counsel relied on the judgment reported in **Somagani Venkata Subbamma v. District Panchayat Officer, Krishna District**.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayatraj, appearing for respondents 1 to 3.

The impugned order was issued to the petitioner without recording sufficient reasons as envisaged under Rule 42(1) of the Rules and without

mentioning the date of issue. This Court, exactly, in similar circumstances in **Somagani Venkata Subbamma** (supra) held that such an order cannot be sustained. I find force in the contention of the learned counsel for the petitioner. Learned Government Pleader also has not disputed the rule laid down in the above judgment and submitted that the Authorities will pass fresh orders in consonance with Rule 42.

In view of the same, the impugned order is set aside. It shall, however, be open to the competent Authority to pass orders afresh in accordance with law.

Accordingly, this writ petition is allowed. 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

01.04.2015

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