

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5140 OF 2009

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ORDER:

The grievance of the writ petitioner is that he was elected as 'Sarpanch' in the year 2009 and while that being so the 4th respondent issued an intimation to the petitioner vide impugned proceedings dated 06.02.2009 stating that the petitioner is disqualified for the office of 'Sarpanch' on the ground that he is having more than two children. Aggrieved by the same present writ petition is filed on the ground that the 4th respondent has no jurisdiction to disqualify the petitioner under Section 22 of the A.P.Panchayat Raj Act, 1994 (*for short 'the Act'*).

Heard.

As per Section 22 of the Act, any disqualification has to be intimated to the petitioner and if the petitioner disputes the same, the same has to be referred to the District Court for deciding the issue. But, in the present case the 4th respondent has straightaway disqualified the petitioner which is prima facie not in consonance with Section 22 of the Act, as such the same has to be set aside.

Accordingly, the 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

08.09.2015

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