

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

FRIDAY, THE NINETH DAY OF OCTOBER TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.33197 of 2015

Between:

Pembi Peddamallaiah,
S/o. Mallaiah,
Aged about 63 years, cc: Sarpanch,
Pasupula Gram Panchayat,
R/o. Tatiguda, Pasupula Gram Panchayat,
Khanapur Mandal, Adilabad District.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Panchayat Ra Department,
Secretariat Buildings, Secretariat,
Hyderabad & 4 others

.. Respondents

The Court made the following:

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ORDER:

The petitioner is a Sarpanch of Pasupula Gram Panchayat, Khanapur Mandal, Adilabad District. The petitioner is aggrieved by the order passed by the District Panchayat Officer, Adilabad District (3rd respondent) on 21.09.2015 suspending the money withdrawing power of the petitioner. This is a final order passed under Rule 32 of the Rules notified vide G.O.Ms.No.30, PR&RD Department, dated 20.01.1995. Against the said order, appeal lies to the District Collector. Without availing the remedy of appeal, this writ petition is filed.

2. The provision of appeal provided by Rule 42 of the Rules is an effective remedy and though the petitioner having effective and efficacious remedy of appeal available, even before availing the said appeal, this writ petition is filed. It is not the case of the petitioner that the District Panchayat Officer is not competent to pass orders. Further more, as seen from the order, the order considered the explanation and after giving due opportunity, the same is

passed. Therefore, it is not a case where in violation of the principles of natural justice, an *ex parte* decision taken by the District Panchayat Officer. In the circumstances, this Court is not inclined to entertain the writ petition at this stage.

3. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to avail the remedy of appeal to the District Collector, Adilabad District (2nd respondent) against order of the District Panchayat Officer, Adilabad District (3rd respondent) dated 21.09.2015. As and when such appeal is filed, the same shall be considered in accordance with law, as expeditiously as possible. There shall be no order as to costs. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

P.NAVEEN RAO, J

Date: 9th October, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.33197 of 2015

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Date: 9th October, 2015

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