THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.34581 OF 2015

DATED:6-11-2015

Between:

Mr. T. Vasudeva Rao … Petitioner

And

The State of Andhra Pradesh

Rep. by its Principal Secretary

Panchayat Raj Department

Secretariat, Hyderabad

and others … Respondents

COUNSEL FOR THE PETITIONER: Mr. Aravala Rama Rao

COUNSEL FOR RESPONDENT NOs.1 and 3: A.G.P. for Panchayat Raj (AP)

COUNSEL FOR RESPONDENT NO.2 : A.G.P. for Revenue (AP)

THE COURT MADE THE FOLLOWING:

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ORDER:

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This writ petition is filed for a mandamus to set aside proceedings in Rc. No.1495/2014/P.12, dt.19.12.2014, of respondent No.3 whereby while issuing show cause notice to the petitioner as to why restrictions on withdrawal of Gram Panchayat funds shall not be imposed, he has restrained the petitioner from withdrawing moneys from the funds relating to Sub-Treasury, Postal Savings, and banks, belonging to the Gram Panchayat concerned.

Under Rule 42(1) of the Rules relating to Certain Taxes & Lodging of Moneys received by the Gram Panchayat and Payment of Money from the Gram Panchayat Fund (for short, 'the Rules'), the District Panchayat Officer is empowered to place restrictions on the power of any Sarpanch from drawing moneys of the Gram Panchayat for such period as may be specified in such order. Before passing any such order, he shall give an opportunity of making representation to the Sarpanch concerned. However, under the proviso thereof, the District Panchayat Officer may issue an interim direction to the Sarpanch not to draw the moneys of the Gram Panchayat pending exercise of power under sub-rule (1).

In the light of the proviso referred to above, the submission of the learned counsel for the petitioner that the impugned order is in violation of principles of natural justice is not sustainable. However, as final order under sub-rule (1) of Rule 42 of the Rules has not been passed by respondent No.3 so far, and the petitioner is stated to have submitted his explanation, respondent No.3 is directed to pass a final order after giving an opportunity of personal hearing to the petitioner, within one month from the date of receipt of a copy of this order.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.44441 of 2015 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

06-11-2015

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