

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

WRIT PETITION No.25288 of 2015

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17.11.2015

Between:

Pinapothu Ramakrishna

.. Petitioner

and

The State of Andhra Pradesh,

represented by its Principal Secretary,

Panchayat Raj Department,

Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.N.Kamaraju

Counsel for respondent Nos.1, 3 to 5: Assistant Government Pleader

for Panchayat Raj (AP)

Counsel for respondent No.2: Assistant Government Pleader for Revenue (AP)

Counsel for respondent No.6: --

The Court made the following:

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ORDER:

This writ petition is filed with the grievance that though an enquiry report was submitted by respondent No.4 on 07.05.2015 on the allegations of misuse and misappropriation of Gram Panchayat funds by the functionaries of respondent No.6 Gram Panchayat, no further action is being taken by respondent No.3.

This Court, by order, dated 15.09.2015, directed respondent No.3 to submit his report on the further steps taken against the functionaries of respondent No.6 Gram Panchayat. Accordingly, respondent No.3 submitted his report on 31.10.2015. In his report, he has, *inter alia*, stated that based on the enquiry report of respondent No.4, the District Collector, East Godavari, issued notice to the Sarpanch of respondent No.6 Gram Panchayat, which was dispatched on 26.08.2015 and that further action is being taken. As there was a time lag of more than two months between dispatch of the notice by the District Collector and the report submitted by respondent No.3 and no further development was reported by the latter in his report on the Sarpanch filing explanation and the further action taken by the District Collector, this Court, by order, dated 12.11.2015, has directed respondent No.3 to be personally present today.

Today, at the hearing, the learned Assistant Government Pleader for

Pancayat Raj (AP) representing respondent No.3 submitted that as per the latter's information, the Sarpanch of respondent No.6 Gram Panchayat has submitted his/her explanation on 07.09.2015 to the District Collector and that on the said explanation, a further report was called for from respondent No.3. He has further submitted that respondent No.3 will submit his report within one week from today. Respondent No.3, who is personally present in the Court, has pointed out that the petitioner has not impleaded the District Collector, East Godavari, who is competent authority to take action against the Sarpanch, if it is found that he is guilty of misappropriation of Gram Panchayat funds. In view of non-impleadment of the District Collector, I am not inclined to give any direction to him at this stage.

However, respondent No.3 is directed to submit his report within a period of one week from today as held by him. If within two months from today, the District Collector, East Godavari, has not passed any appropriate order on the report to be submitted by respondent No.3, the petitioner is permitted to make a representation to him (District Collector) and in the event of the latter failing to pass such order even thereafter, the petitioner is permitted to avail a fresh remedy.

Subject to the above direction and observations, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.32828 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

17th November, 2015

GHN