

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.1464 OF 2015

ORDER :

This writ petition is filed seeking writ of mandamus declaring the proceedings of the 2nd respondents in RC No.P3/5848/2014, dated 19.01.2015 as illegal and arbitrary and also contrary to Sections 22 (1) and 156 (2) of the A.P.Panchayat Raj Act, 1994 (for short 'the Act of 1994) and consequently to set aside the same.

It is the case of the petitioner that by virtue of proceedings dated 19.01.2015 of the 2nd respondent, he was disqualified under Section 19(3) of the Act of 1994 as member of M.P.T.C, A.S.Peta Mandal Praja Parishad on the ground that the authority to decide disqualification is District under Section 22 of the Act of 1994, but whereas the impugned order is passed by the 2nd respondent straight away disqualifying the petitioner, as such, the same is without jurisdiction.

Heard Sri J.Pradeep Kiran, learned counsel for the petitioner, Sri G.Seshadri, learned Standing Counsel for respondents 2 and 3 and Sri Koti Reddy Idamakanti, learned counsel for 7th respondent.

This Court, by order dated 30.01.2015 granted interim order suspending the impugned proceedings dated 19.01.2015 passed by the 2nd respondent.

Sri G.Seshadri, learned Standing Counsel for 2nd and 3rd respondents as well as learned counsel for 7th respondent states that the matter has to be referred to District Court as per Section 22 of the Act of 1994.

In view of the above submission and also since the issue of disqualification has to be decided by the District Court under Section 22 of the Act of 1994 after reference by the 2nd respondent, the 2nd respondent is directed to refer the matter to the District Court under Section 22 of the Act of 1994 within a period of three (3) weeks from the date of receipt of a copy of this order. Since the 2nd respondent has no power to decide the disqualification of the petitioner as M.P.T.C member, the impugned order to the extent of disqualification is set

aside. The District Court is to decide the issue of disqualification of petitioner as per law without being influenced by any of the observations made herein. Till the District Court decides, the petitioner shall be continued as M.P.T.C member of A.S.Pet Mandal, SPSR Nellore District. Thereafter, continuance of petitioner will depend upon the decision of District Court.

With the above direction, this writ petition is disposed of. There shall be 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

28.04.2015

kvs

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Date: 28.04.2015

kvs

