

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.32915 of 2015

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DATED : 14.10.2015

Between :

Sri L. Srinu Babu S/o.Venkat Rao,
Aged about 38 yrs, Occu : Part time junior Assistant-
Cum-Bill Collector,
R/o.Venkatpuram Gram Panchayat,
Eluru, West Godavari District,
Andhra Pradesh.

.. Petitioner

and

The State of Andhra Pradesh,
Rep., by Principal Secretary to Government,
Panchayt Raj Department,
Secretariat Buildings, Hyderabad & 5 others.

.. Respondents

This court made the following :

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ORDER :

Petitioner claims to be Part time Junior Assistant-cum-Bill Collector of Gram Panchayat. Petitioner challenges the order issued by the District Panchayat Officer (3rd respondent), in his proceedings dated 01.09.2015. By this proceeding, the 3rd respondent directs the Panchayat Secretary to initiate criminal prosecution against persons who are responsible for issuing illegal house tax receipts.

2. According to learned counsel for the petitioner, for no fault of him petitioner is being harassed and humiliated and initiation of criminal prosecution is also false. The petitioner is victimized on a false complaint lodged against him. The petitioner is not involved in any such illegal activity. He further submits that the petitioner was suspended on the same allegation. Aggrieved thereby, the petitioner filed O.A.No.1759 of 2015 before Andhra Pradesh Administrative Tribunal (Tribunal) and the Tribunal by order dated 01.04.2015 granted interim direction to continue the petitioner as Part time Junior Assistant-cum-Bill collector.

3. After the said order, the present proceedings are issued. As seen from the proceedings under challenge, on prima-facie information received by the competent authority about issuance of fraudulent house tax receipts, action was sought to be initiated by lodging a complaint. In pursuant to this proceeding the Panchayat Secretary has to file a complaint before the jurisdictional police station and as and when such complaint is filed, police have to investigate and take appropriate course of action as warranted by law. After filing of such complaint and during the investigation stage, sufficient safeguards are available to the petitioner to work out his grievance. However, even before the proceedings are initiated, petitioner cannot interject the process of filing of complaint by the competent authority. At this stage, the Court cannot go into the correctness or otherwise of the decision to file complaint before appropriate police station.

4. Thus, this Court is not inclined to grant the relief as sought for by the petitioner and is liable to be dismissed.

5. Accordingly, the writ petition is dismissed. However, the dismissal of the writ petition does not take away the right of the petitioner to work out his remedy in accordance with law, as and when complaint is filed. There shall be no order as to

costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

_____ **P.NAVEEN RAO,J**

14th October, 2015.

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