

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

WRIT PETITION No.23384 of 2015

Between:

Suggu Nirmala, W/o. Rami Reddy,
Aged about 37 years, Occ: Sarpanch,
Akashalakkavaram Grampanchayat,
Santhabommali Mandal,
Srikakulam District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Panchayath Raj Department,
Secretariat, Hyderabad & 2 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 29.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner is the Sarpanch of Akashalakkavaram Gram Panchayat, Santhabommali Mandal, Srikakulam District. Alleging financial irregularities against the petitioner in performing his duties and responsibilities of the Sarpanch of the said Gram Panchayat, the District Panchayat Officer, Srikakulam District (3rd respondent) issued notice, dated 08.05.2015. The petitioner thereon filed his explanation. Having not satisfied with the explanation furnished by him, order of suspension of cheque power of the petitioner was passed on 02.06.2015. Aggrieved thereby, the petitioner filed appeal before the District Collector (Panchayat Wing), Srikakulam District (2nd respondent) in accordance with the provision contained in Rule 42(2) of the rules notified vide G.O.Ms.No.30, Panchayat Raj, Rural Development and Relief, dated 28.01.1995. The said appeal is pending consideration with the District Collector. At this stage, this writ petition is filed contending that the appeal is not disposed of and by illegal means, the cheque power of the petitioner is withdrawn.

2. Since an appeal is filed by the petitioner aggrieved by the said order of the District Panchayat Officer, Srikakulam District (3rd respondent) and the said appeal is

pending consideration by the appellate authority, I am not inclined to go into the merits of the contentions urged by the petitioner in the writ petition. The statute provides right of appeal and the same has been validly exercised by the petitioner. Therefore, at this stage, going into the merits of the contentions urged would only frustrate the appeal provision.

3. Thus, the Writ Petition is disposed of, without expressing any opinion on merits, directing the appellate authority to consider the appeal filed by the petitioner against the orders of the District Panchayat Officer, Srikakulam District (3rd respondent) on 02.06.2015 and pass appropriate orders, as warranted by law, within a period of four (4) weeks from the date of receipt of a copy of this order. If the petitioner requests, she may also be provided with personal hearing. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 29th July, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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