

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.33481 OF 2011 & 38238 OF 2012

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COMMON ORDER:

The case of the petitioner in W.P.No.33481 of 2011 is that the Sarpanch, Gram Panchayat, Koheda, Hayathnagar Mandal, Ranga Reddy District, entrusted execution of C.C. Roads, under-drainage works, bus stages etc., to the petitioner, in pursuance of the resolution passed during the year 2006. The petitioner completed the work assigned to him and the same was also recorded by the concerned engineering officers in M.Books and he also submitted bills towards execution of the works to a tune of Rs.9,19,223/-. However, as the said amount was not released to the petitioner, he filed representations dated 04.05.2009, 16.07.2009 and 09.10.2009 for release of the amounts. As no action was taken on his representations, the petitioner got issued a legal notice, dated 24.10.2009. Thereafter, the District Panchayat Officer, Ranga Reddy District, the 1st respondent, directed the Divisional Panchayat Officer East, Ranga Reddy District, the 2nd respondent to submit detailed information on five points for taking further action vide Memo No.290/2009-B2, dated 07.04.2010. Thereafter, the 2nd respondent submitted his report stating that the petitioner was not paid the amount towards works executed by him. The 1st respondent after considering the entire material on record, issued memo No.290/2009-B2, dated 27.08.2010, directing the 2nd respondent to issue certain instructions to the 5th respondent to pay the amounts for the works executed by the petitioner and also issued instructions to the Extension Officer to see that the amounts should be paid to the concerned. The 1st respondent also directed the 3rd respondent to take necessary action for payment of bills as per

M.Books. In spite the said directions, the 5th respondent has not taken any action to release the amounts due to the petitioner without any justification or reasonable cause. Aggrieved by the action of the respondents in not releasing the amounts to the petitioner, the present Writ Petition is filed.

The 3rd respondent filed counter affidavit stating that he submitted his representation on 15.06.2012 stating that no records pertaining to the years 2005-06, 2006-07 and 2007-08 with regard to development works as well as audit reports and M.Books are available in the Gram Panchayat, Koheda. He further stated that as he handed over the concerned records to the 2nd respondent as per their request on 11.05.2012, he is unable to take any decision in this regard since there are neither administrative records nor technical sanction orders in their office.

The 6th respondent in W.P.No.33481 of 2011 filed W.P.No.38238 of 2012 alleging inaction of respondent Nos.1 to 4 in initiating action against respondent No.5 who embezzled the public money during his tenure as Sarpanch of the Koheda Village, Hayathnagar Mandal, Ranga Reddy District from 2001 to 2006. He sought for a consequential direction to the official respondents to enquire into the matter and take action against respondent No.5 as per the provisions of the A.P. Panchayat Raj Act, 1994.

Heard learned counsel for the petitioners in both the Writ Petitions as well as respondents.

The counter affidavit does not deny that the petitioner in W.P.No.33481 of 2011 has executed the work.

Learned counsel for the petitioner in W.P.No.33481 of 2011 has

brought to the notice of this Court about the report, dated 24.07.2012, submitted by the Divisional Panchayat Officer, Ranga Reddy District, to the District Panchayat Officer, Ranga Reddy District, with regard to payment of amount to the petitioner, in pursuance of the directions of the District Panchayat Officer.

He stated that the amount could not be released as the comprehensive report has already been submitted and it is for the District Panchayat Officer to take appropriate decision in the matter.

It is also brought to the notice of the Court that the District Panchayat Officer vide Memo No.290/2012-B3(Pts), dated 03.08.2012, directed the Panchayat Secretary concerned to make payment as per rules for the works which are not paid previously, duly verifying the M.B. records and check measurements by the Engineering Officials concerned.

In view of the same, since a detailed report has been submitted to the District Panchayat Officer and on receipt of the same, he has also issued Memo, dated 03.08.2012, regarding payment of amount due, it is appropriate that the District Panchayat Officer shall take an appropriate decision in the matter.

The District Panchayat Officer is, accordingly, directed to take appropriate decision regarding payment of amount due to the petitioner in W.P.No.33481 of 2011 in pursuance of the comprehensive report, dated 24.07.2012, submitted by the Divisional Panchayat Officer within a period of four weeks from the date of receipt of a copy of this order.

So far as W.P.No.38238 of 2012 is concerned, it is filed for taking action against the 5th respondent, who is stated to be Ex Sarpanch of Koheda Village, it is no way connected with the payment of amount due to the petitioner in W.P.No.33481 of 2011 and

more so, general allegations are made and as such basing on the same, no direction can be issued to the respondent authorises.

W.P.No.38238 of 2012 is, accordingly, dismissed and W.P.No.33481 of 2011 is disposed of with the aforetasted directions.

There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in these Writ Petitions, shall stand closed.

A.RAJASHEKER REDDY, J

08.09.2015

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