

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

**TUESDAY, THE TWENTY FIFTH DAY OF AUGUST TWO
THOUSAND AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26916 of 2015

Between:

Smt. K. Sailaja, W/o. Kuchela Rao,
Aged 47 years, Occ: Sarpanch,
R/o. Paludevarlapadu Gram Panchayat,
Muppalla Mandal, Guntur District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Collector & District Magistrate,
Guntur District, Guntur & 5 others

.. Respondents

The Court made the following:

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ORDER:

The petitioner claims to have been elected as Sarpanch of Paludevarlapadu Gram Panchayat, Muppalla Mandal, Guntur District, having been elected in July, 2013. According to the petitioner, she has been discharging her duties as Sarpanch to the utmost satisfaction of her villagers. While so, at the instance of political rivals, false complaints are generated against the petitioner resulting in issuing the show cause notice on 02.04.2015, which also withdraws the power to withdraw the funds of the Gram Panchayat.

2. Learned counsel for the petitioner submits that the reading of the proceedings, dated 02.04.2015, would show arbitrary exercise of power by the competent authority in resorting to such suspension. Learned counsel for the petitioner further submits that in pursuant to the show cause notice, dated 02.04.2015, the petitioner has submitted explanation on 17.04.2015. However, there is no further progress in the matter and the power to withdraw the money of the Gram Panchayat is still under suspension.

3. Thus, it appears that there is no further progress on the issue of the allegations made in the show cause notice impugned in the writ petition. The very action

of the respondent authority defeats the object of the A.P. Panchayat Raj Act, 1994. Vesting of power in the Sarpanch, utilization of funds belonging to the Gram Panchayat is inherent to democratic institution like Gram Panchayat and first step in granting functional autonomy to Gram Panchayat. It is also appropriate, as contended by the learned counsel for the petitioner, though serious allegations are made against the Panchayat Secretary and a notice was issued to him on the same day, it appears no further action is taken against the Panchayat Secretary and he is not even placed under suspension.

4. Having regard to the said submissions and in view of the fact that there is no further progress in the enquiry, the Writ Petition is disposed of directing the District Panchayat Officer, Guntur District (2nd respondent) to pass appropriate orders, as warranted by law, in pursuant to the show cause notice, dated 02.04.2015, as expeditiously as possible, preferably within a period of three (3) weeks from the date of receipt of a copy of this order, after putting the petitioner on notice and affording due opportunity of hearing. As suspension of power to withdraw the money of Gram Panchayat was issued on 02.04.2015 and it is more than four months, it is ordered that if no orders are passed, as directed above, within the time fixed, the order of suspension of the money drawing power of the Sarpanch/petitioner stands revoked automatically and the petitioner is entitled to exercise power to withdraw the money of the Gram Panchayat and utilize the said funds for the purpose of the

welfare activities of the Gram Panchayat subject of course to statutory compliances. 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: 25th August, 2015

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HON’BLE SRI JUSTICE P.NAVEEN RAO

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Date: 25th August, 2015

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