

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.38831 OF 2015

DATED:03-02-2016

Between:

Are Arunakara Reddy ... Petitioner

And

The State of Andhra Pradesh
Rep. by its Principal Secretary
Panchayat Raj Department
Secretariat
Hyderabad
and others ... Respondents

COUNSEL FOR THE PETITIONER: Smt. Kavitha Gottipati

COUNSEL FOR RESPONDENT NOS.1, 3 and 4: A.G.P. for
Panchayat Raj

(AP)

COUNSEL FOR RESPONDENT NO.2: A.G.P. for Revenue (AP)

THE COURT MADE THE FOLLOWING:

ORDER:

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The inaction of respondent Nos.2 to 5 in disqualifying respondent No.6 as a Member of Shayamapalem Gram Panchayat, is questioned in this writ petition.

In the view this Court is proposing to take, it is not necessary to put respondent No.6 on notice.

Under Section 22 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short, 'the Act') any voter or authority is entitled to approach the executive authority in writing alleging disqualification *inter alia* under Section 19 of the Act, and thereupon the executive authority has to give intimation of such allegation to the member concerned, through the District Panchayat Officer. On receipt of such intimation, the member who disputes the allegation so made or where any member himself entertains any doubt whether, or not he has become disqualified, such member or any other member may, and the executive authority, on the direction of the Gram Panchayat or the Commissioner, shall, within a period of two months from the date on which such intimation is given or doubt is entertained, apply to the District Court having jurisdiction over the area in which the office of the Gram Panchayat is situated, for decision.

In the instant case, instead of approaching the executive authority, the petitioner has approached respondent No.3 – District Panchayat Officer. As this is purely a technical violation, respondent No.3 is directed to forward the complaint of the petitioner to the Panchayat Secretary of Shyamalavaripalem Gram Panchayat with a direction to him to follow the procedure under Section 22 of the Act, as referred to above. Upon intimation to respondent No.6, through respondent No.3, if she disputes her disqualification and does not

move the District Court within two months from the date of such intimation, respondent No.3 shall ensure that the issue is referred by the executive authority to the District Court concerned within the stipulated time.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.49999 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

03-02-2016

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