

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITON No. 40440 OF 2016

ORDER:

Order dated 10.11.2016 is challenged before this court by the second respondent in exercise of the power under Section 249(6) of the Panchayat Raj Act.

It is on record that before passing the impugned order, a show cause notice was issued to the petitioner and the petitioner also had an opportunity to submit the explanation and only after considering the said explanation, the impugned order came to be passed.

Though it is the contention of the learned counsel for the petitioner that the explanation was not considered in proper perspective, the arguments revolve round the appreciation of the material on record.

Inasmuch as there is an alternative remedy of appeal in terms of Section 249(7) of the Act available to the petitioner, without expressing any opinion, the Writ Petition is disposed of by giving liberty to the petitioner to avail the alternative remedy of appeal. However, it is made clear that as and when such appeal is filed, the same shall be disposed of by the appellate authority within a period of eight weeks from the date of filing of the appeal.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE CHALLA KODANDA RAM

November 23, 2016
LMV

