

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.35302 OF 2016

ORDER:

Heard Mr.K.Venkatesh for petitioner and the Assistant Government Pleader (Panhayat Raj) for respondents.

The issue arises under Section 249 (6) of A.P. Panchayat Raj Act, 1994 (for short 'the Act'). The circumstances relevant for the disposal of the writ petition are that on 09.03.2016, the petitioner was placed under suspension by the 3rd respondent on behalf of 2nd respondent. On 17.08.2016, the 1st respondent vide G.O.Rt.No.757 dated 17.08.2016 extended the power of suspension for a further period from 09.06.2016. Admittedly, by 08.09.2016, six months period stipulated under Section 249 of the Act was over. On 23.09.2016, a request for order of reinstatement as Sarpanch was made. The said representation remains unattended till date. Hence the writ petitioner prays for the following relief:

“..to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 to 3 in not reinstating the petitioner as Sarpanch of Diwancheruvu Gram Panchayat of Rajanagaram Mandal, East Godavari District in view of the provisions contained under Sec.249(6) of A.P.Panchayat Raj Act, 1994 as wholly illegal, arbitrary and unjust and consequently direct the respondents 1 to 3 to forthwith reinstate the petitioner as Sarpanch of Diwancheruvu Gram Panchayat of Rajanagaram Mandal, East Godavari District in view of the statutory period of suspension for six months is over by 9-9-2016..”

The counsel for the petitioner places reliance upon the decision in D.Veera Naga Kumari v. District Collector (Panchayat

Wing), Krishna District¹ in support of his contention that once the reason for placing under suspension does not result in final order, the respondents are under legal obligation to reinstate the petitioner as Sarpanch forthwith.

The Assistant Government Pleader, on instructions, submits that the respondents will act in the matter in accordance with law and before a decision could be taken, the instant writ petition is filed.

I have heard the counsel appearing for parties, perused the material papers on record and considered the principle laid down in the decision referred to above.

The circumstances are undisputed. The legal effect and the period of suspension are clearly spelt out in Section 249 of the Act. The inaction of respondents in reinstating the petitioner is contrary to the spirit of Section 249 of the Act. The petitioner is elected Sarpanch. Hence, respondents 2 and 3 are directed to dispose of the representation dated 23.09.2016 within two weeks from the date of receipt of a copy of this order. Petitioner is given liberty to communicate a copy of this order along with copy of representation within one week for expeditious decision.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

S.V.BHATT,J

Date:20.10.2016

Note:

c.c. forthwith

B/o.

Sp

¹ 2006 (3) ALT269

