

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.42980 of 2015

Date:04.01.2016

Between:

K.Mani,
W/o Lovaraju

..... Petitioner

And:

The State of A.P., repled., by its
Principal Secretary, Panchayat Raj &
Rural Development Department,
Hyderabad and two others.

.....Respondents

Counsel for the Petitioner: Mr. V.Sreemannarayana

Counsel for Respondent Nos.1 & 2: AGP for Panchayat Raj
(AP)

The Court made the following:

ORDER:

The petitioner, who is the Sarpanch of M.B.Patnam Gram Panchayat, Natavaram Mandal, Visakhapatnam District, filed this Writ Petition feeling aggrieved by suspension of her cheque drawing power.

A perusal of the impugned proceedings shows that on certain allegations of misuse/mis-utilisation of the Panchayat funds, the petitioner has been called upon to submit her explanation as to why her cheque drawing power shall not be withdrawn in terms of Clause-42(1) para-2 of G.O.Ms.No.30, PR, RD and R, dated 20.01.1995. However, as an interim measure, her cheque

drawing power was suspended pending passing of the final order.

At the hearing, Mr. V.Sreemannarayana, learned counsel for the petitioner, has not disputed that as per Clause-42(1) para-2 of G.O.Ms.No.30, PR, RD and R, dated 20.01.1995, respondent No.2 is empowered to suspend the cheque drawing power of a Sarpanch as an interim measure pending passing of the final order.

Since a final order as envisaged by respondent No.2, after filing of explanation, if any, by the petitioner, is yet to be passed, this Court is not inclined to examine the correctness or otherwise of the decision taken by respondent No.2 suspending the petitioner's cheque drawing power, more so, when such order is interim in nature.

In this view of the matter, without expressing any opinion on the interim suspension of the petitioner's cheque drawing power, respondent No.2 is directed to hold a detailed enquiry after receipt of the explanation, if any, by the petitioner, pass a final order with detailed reasons and communicate the same to the petitioner within one month from the date of receipt of a copy of this order.

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.55424 of 2015 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*04th January, 2016
DR*