

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.4838 of 2016

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Between:

Smt. Yadala Asha Jyothi

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary
Panchayat Raj Department, A.P. Secretariat, Hyderabad, and
others.

RESPONDENTS

ORDER:

The case of the petitioner is that she was elected as Sarpanch of the Penugonda Gram Panchayat in the Elections held in the month of July, 2013. The then Committee had cleared a sum of Rs.3,53,338/- by way of 16 bills with respect to the expenditure incurred during the tenure of the Special Officer prior to July 2013. As a matter of fact the amounts were cleared in the meeting held on 22.07.2013. However, the 4th respondent-District Panchayat Officer issued proceedings dated 25.01.2016 directing the petitioner and the Secretary, viz., Smt. J. Ramadevi to pay a sum of Rs.1,58,841/- on the ground that the said amount was misappropriated by them. The same is challenged in this writ petition on the ground that there is no power in the authority apart from violation of principles of natural justice.

This Court, sitting in writ jurisdiction, is not inclined to entertain the writ petition and examine the reasons set out by the petitioner as to how and why the petitioner is not liable to pay the amount demanded, for the reason that various factual data is required to be verified in that context. As it is the specific case of the petitioner that no notice whatsoever is given before making the demand, the same is clearly in violation of the principles of natural justice.

In those circumstances, the writ petition can be disposed of by giving liberty to the petitioner to file her objections, if any, treating the letter dated 25.01.2015 as show cause notice. As and when the petitioner submits her explanation, the same shall be considered by the 4th respondent and if she further aggrieved with the decision that may be taken by the 4th respondent, the petitioner may avail the legal remedies as available to her under law.

With the above observations, the writ petition is disposed of. As

a sequel, pending miscellaneous petitions, if any, shall stand closed.
No order as to costs.

CHALLA KODANDA RAM, J.

16th February, 2016
Js.