

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 17284 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader.

2. The case of the petitioner is that petitioner had made a complaint with respect to disqualification of the seventh respondent in the election as Upa Sarpanch. It is the specific contention of the petitioner that the seventh respondent has three children and thereby disqualified under Section 20 of the A.P.Panchayat Raj Act, 1994. Bringing this aspect to the notice of the fourth respondent,

the competent authority, petitioner had submitted a complaint on 04.01.2016. Though the same was made on 04.01.2016, the fourth respondent had not taken any steps as required under Section 22 of the Act. Questioning the inaction on the part of the respondent-authorities, the present writ petition is filed seeking a Mandamus to the respondent authorities to take action in terms of Section 22 of the Act.

3. Section 2(12) defines Executive Authority as Panchayat Secretary appointed to each Gram Panchayats. Section 22 of the Act prescribes a procedure in relation to disqualification of a member to elections. On intimation being received by the Executive Officer, the Executive Authority is required to take necessary steps by giving due notice about the complaint to the member, who is alleged to have earned the disqualification, and if the dispute is raised by the said member with regard to the said disqualification, the complainant is required to approach the

District Court having jurisdiction over the area in which office of the Gram Panchayat is situated for decision. In the present case, the first step has not been carried out by the Executive Authority i.e., the Panchayat Secretary.

4. In the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the respondent-authorities to take necessary steps in terms of Section 22 of the Act on the complaint of the petitioner within a period of two weeks from the date of receipt of a copy of this order. .

With the above direction, the writ petition is disposed of. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

**JUSTICE CHALLA
KODANDA RAM**

June 3, 2016
LMV