

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12499 OF 2016

ORDER:

The petitioner challenges the show cause notice dated 28.02.2016 issued by the 3rd respondent alleging that as Sarpanch of Anugonda Grampanchayat, Kodumur Mandal,, Kurnool District, she failed to expend the amounts sanctioned for development of the village and in those circumstances, why the identified works shall not be executed by the department itself.

It is the case of the petitioner that while the 3rd respondent issued notice calling for explanation for not expending the amounts, the authorities have failed to issue administrative sanction or grant. In spite of the fact that the Grampanchayat had passed resolution on 04.09.2015 to undertake various works relating to supply of water to the village, the 6th respondent without taking any initiative to send the same to the 3rd respondent, kept the same with himself and thereby did not enable the petitioner to carry out the works. As a matter of fact, it is the fault on the part of the respondents in not releasing the funds, which was the cause for not taking up the works. In those circumstances, the petitioner alleges that the action of the 3rd respondent issuing notice is arbitrary and illegal. Hence, prays for interference of the Court.

Learned standing counsel appearing for respondents 5 and 6 and learned Government Pleader appearing for respondents 1 to 4 would submit that the petitioner challenged only show cause notice dated 28.02.2016 and at any rate, she had submitted her explanation on 05.04.2016 and it is for the respondent authorities to consider the same. Therefore, there is no case for maintaining the writ petition.

Considering the respective submissions of learned counsel appearing for parties and taking into consideration of the fact that the petitioner had already submitted a detailed explanation, interest of justice would be served, if the 3rd respondent is directed to consider the explanation submitted by the petitioner. It may be noted that though the impugned notice dated 28.02.2016, it appears to have been dispatched only on 28.03.2016 and the petitioner has submitted explanation on 05.04.2016. In those circumstances,

since the petitioner has already submitted her explanation, the respondents are directed not to take any action against her without considering her explanation in accordance with law.

With the above directions, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J.

Date:18.04.2016.
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