

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11768 of 2016

ORDER:

The notice dated 22.03.2016 issued by the 5th respondent demanding certain amounts is challenged before this Court.

It is the case of the petitioners that the petitioners were not issued any notice before issuing the demand notice dated 22.03.2016. However, as can be gathered from the notice, the notice appears to have been issued based on an enquiry initiated at the instance of one G.Adi Narayana by the Lokayuktha alleging certain irregularities committed by the President of Korlam Gram Panchayat.

Heard learned counsel for the petitioners and the learned Standing counsel for the 5th respondent.

Be that as it may, in the related case disposed of by this Court today in W.P.No.3993 of 2013, in an identical situation proceedings were initiated by the Tahsildar for recovery of certain amounts in relation to Indiramma Housing Scheme in respect of Gutchimi Village. The present case is also the result of Lokayuktha enquiry, the directions issued therein to respective authorities and the disciplinary action taken against the officers concerned both Revenue as well as the A.P. Housing Board.

The present notice appears to have been issued without there being any enquiry as to what amounts the respective petitioners are liable and in relation to what misappropriation/ excess payment/payments made in deviation. In the absence of determination of the exact amounts payable by each petitioner, even assuming that they are liable, by conducting enquiry, the demands cannot be sustained. Hence, the impugned notice is liable to be set aside.

However, the learned counsel appearing for the respondents-Corporation submits that liberty may be given to the Corporation/respective authorities to issue notices to the petitioners, conduct enquiry and after giving opportunity to raise demands if warranted.

In those circumstances, the writ petition is disposed of by setting aside the impugned notice giving liberty to the respondents to issue fresh show cause notice by specifying the details of alleged misappropriation/excess payment/payments made in deviation, cause enquiry and pass appropriate orders after taking into consideration the explanations that may be submitted by the petitioners. There shall be no order as to costs.

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

CHALLA KODANDA RAM, J

20th April, 2016
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