

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.42814 of 2016

ORDER :

Heard Sri G.L.Nageswar Rao for petitioner and Assistant Government Pleader for Panchayat Raj.

2. The petitioner challenges Proceedings Roc.No.2383/2015-G4 dated 25.06.2015 of 4th respondent curtailing the petitioner's cheque power as Sarpanch of Narukullapadu Gram Panchayat, Amaravathi Mandal, Guntur District, as illegal and contrary to A.P. Panchayat Raj Act, 1994 (for short, 'the Act').

3. The proceedings impugned in the writ petition read thus:

“Where as it is brought to the notice of the District Panchayat Officer, Guntur that Smt.M.Lakshmi Tulasi, Sarpanch, Narukullapadu Gram Panchayat, Amaravathi Mandal committed certain serious irregularities in the administration of gram panchayat as per report of the Extension Officer (PR&RD), Amaravathi in the 1st read above.

Where as the District Panchayat Officer, Guntur has considered that the Sarpanch undesirable to allow her to operate on Gram Panchayat Funds, independently.

Therefore, in the circumstances explained above, the Sarpanch, Gram Panchayat, Narukullapadu, is directed to operate Gram Panchayat TFC and SFC funds with the countersignature of the Extension Officer (PR&RD) Amaravathi, until further orders.”

4. On 25.06.2015, the 4th respondent issued the impugned notice to petitioner curtailing her cheque power in operating the Gram Panchayat funds independently and permitted her to operate gram

panchayat TFC and SFC funds with the counter signature of the 5th respondent until further orders.

5. Counsel for petitioner challenges the impugned proceedings as contrary to the principle laid down by this Court in **Somagani Venkata Subbamma v. District Panchayat Officer, Krishna District**¹ for the 4th respondent cannot issue proceeding curtailing the cheque power for an indefinite period. Therefore, prays for setting aside the proceedings impugned in the writ petition.

6. On 08.12.2016, at request of respondents, the writ petition was adjourned to today. In spite of granting time, respondents have not filed counter or sent instructions. The learned counsel for parties rely upon the order of this Court in W.P.No.42042 of 2016 dated 19.12.2016 on the same question and pray for allowing the writ petition.

7. From the material available on record, it is clear that notice was issued on 25.06.2015 and this Court is compelled observe that effort ought to have been made by the 4th respondent, atleast to verify the veracity of allegation in issuing proceeding impugned in writ petition. In the fact situation of this case, for two reasons, namely that the time is not stipulated in the proceeding impugned and that the power is exercised in a monotonous way, the proceeding impugned is set aside. It is open to 4th respondent to take up and conclude the enquiry

¹ 2006 (4) ALD 1

already initiated in this behalf to its logical end strictly in accordance with law.

8. The writ petition is disposed of as indicated above. No order as to costs.

9. Miscellaneous petitions pending, if any, shall stand closed.

S.V. BHATT, J

19th December 2016

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