

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10861 of 2016

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ORDER:

The Notice dated 15.03.2016 issued to the Sarpanch, MPTC, is challenged before this Court.

It is the case of the petitioner that with regard to allegations in relation to the misappropriation of funds in Indiramma Housing Scheme, on earlier occasions several enquires were conducted including third party enquiry and as such once again issuing a notice directing the petitioners to be present in the enquiry, is arbitrary, illegal and is only intended to harass the petitioners. To support the case of the petitioners, petitioners placed proceedings in Rc.9/SO/2009/Dt.04.12.2009.

Learned standing counsel for the respondent Nos.3 to 6 opposes the Writ Petition and submits that this is only a fact finding enquiry, it is only open for the petitioners to put forward the correct facts before the enquiry officer.

Having considered the rival submissions, a *prima facie* perusal of the proceedings dated 04.12.2009 reveals that the same relates to departmental enquiry in relation to the charges framed against one A. Lakshmana Murthy, Former M.I.C. (Housing) (under suspension), Devarapalli Mandal, Visakhapatnam District. As per the procedure laid down under Rule 20 of A.P.C.S. (CC&A) Rules, 1991, there is some discussion with regard to the allegations of misappropriation of funds in the process of execution of works relating to Indiramma Housing Scheme. Considering certain aspects of the matter, it cannot be construed as an enquiry in relation to the alleged misappropriation of funds. Further, the present enquiry is at the instance of the complaint made by one A.Eshwara Rao to the District Collector, who

in turn directed the Deputy Executive Engineer, Housing Corporation, Madugula to conduct enquiry. In that view of the matter, no prejudice as such is caused to the petitioners. They may participate in the enquiry. Further, the notice is of the general nature and there are no specific charges as such have been made against the petitioners, in other words, the enquiry is sought to be made by the 4th respondent appears to be as preliminary fact finding enquiry, in those circumstances I see no merit in the writ petition.

Accordingly, the writ petition is dismissed. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

Date:06.04.2016

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