

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13352 of 2010

ORDER:

This writ petition is filed challenging the impugned order vide proceedings in Roc.No.A/164/2010, dated 22-05-2010 passed by the 2nd respondent, wherein the petitioner was directed to pay the amounts.

Learned counsel for the petitioner submits that without determining the amounts, straightaway the petitioner was directed to pay the amounts. He also submits that no prior notice was issued before passing the impugned order in the form of notice. He also submits that show-cause notice was issued on 25-05-2010 after impugned order was passed.

On the other hand, learned Assistant Government Pleader for Panchayat Raj and Rural Development submits that the petitioner was present and basing on the social audit, the impugned order was passed.

A reading of the counter affidavit also does not indicate any prior notice is issued for fixing the liability of the petitioner. Show-cause notice dated 25-05-2010 goes to show that it was issued subsequent to passing of the impugned order. In view of the same, without going into the merits of the case, the impugned order is set aside on the ground of violation of principles of natural justice.

Since, however already show-cause notice dated 25-05-2010 was issued, it is open for the petitioner to file explanation within a period of four weeks from today. On filing such explanation, it is open for the respondent-authorities to pass appropriate orders after giving opportunity of hearing to the petitioner. However, this order will not preclude the competent authority from taking any other action, which is permissible under law.

Accordingly, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.



A.RAJASHEKER REDDY,J

04-11-2016
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