

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 13453 of 2016

DATED 27th APRIL, 2016

BETWEEN

Smt. M.Nalini

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Secretary, Panchayat Raj Department,
AP Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 13453 of 2016

ORDER:

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Heard learned Counsel for the petitioner and learned Government Pleader appearing for the respondents.

The order dated 17.03.2016 passed by the District Collector, Panchayat wing, Guntur District, second respondent herein, withdrawing the cheque drawing power of the petitioner, who is the Sarpanch of Gangannapalem Grampanchayat, Chilakaluripeta Mandal, Guntur District, is challenged before this Court on the ground that the second respondent/District Collector is incompetent to make an order under Rule 42 of the rules issued in G.O.Ms.No.30 (PR & RD), dated 20.01.1995.

A perusal of the order impugned in the Writ Petition

reveals that though the said order appears to have been made by the District Panchyat Officer/third respondent, as a matter of fact, appears to have been made at the instance of the note orders of the Collector and further the order is expressed in the name of the Collector. The learned Government Pleader appearing for the respondents fairly submits that the impugned order is passed by the District Collector, second respondent herein and that the District Collector is incompetent to pass the said order. In those circumstances, the submissions made by the learned Counsel for the Petitioner are required to be accepted that the Collector is incompetent to make an order under Rule 42 of the rules issued in G.O.Ms.No. 30 (PR & RD), dated 20.01.1995.

In view of the foregoing discussion, impugned proceedings in Rc.No.1714/2015-G9, dated 17.03.2016 issued by the second respondent/District Collector are set aside. However, it is kept open for the respondents to pass orders against the petitioner, if so warranted, in accordance with law.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 27th APRIL, 2016.
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