

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19094 OF 2016

ORDER:

This Writ Petition has been filed seeking a *mandamus* to declare the proceedings dated 27.04.2016 of the 3rd respondent District Panchayat Officer, Ongole, restricting the cheque power of the petitioner with the counter-signature of the Extension Officer (PR&RD), Martur, until further orders, as illegal and arbitrary.

The case of the petitioner is that based on the complaint made by Sri T. Nagarjuna and others of Kolalapudi Gram Panchayat against her alleging that she, in the capacity of the Sarpanch of Kolalapudi Gram panchayat of Martur Mandal, is misusing the funds and not conducting the Gram Sabhas in conformity with the provisions contained in the Andhra Pradesh Panchayat Raj Act, 1994, the 4th respondent Divisional Panchayat Officer, Ongole conducted a detailed inquiry and submitted a report for taking further action. The 3rd respondent, in view of the powers confirmed in G.O.Ms.No. 30, dated 20.01.1995, issued a show cause notice dated 27.04.2016. The Sub-Treasury Officer was also requested to honour the cheques and bills presented by the Sarpanch, Kolalapudi Gram Panchayat with the counter-signatures of the Extension Officer (PR&RD), Martur for General/13th and 14th Finance/SFC funds, until further orders. The petitioner has submitted her explanation denying the charges. Thereafter, no orders have been passed thereon.

Learned counsel for the petitioner contends that Rule 42(1) of G.O.Ms.No. 30, dated 20.01.1995 mandates that prohibition to draw the moneys of the gram panchayat should be for such period as may be specified in such order, but it cannot be for an indefinite period. Since, in the instant case, no such period was specified, the learned counsel seeks a direction to the 3rd respondent to conclude the inquiry and pass orders expeditiously, in terms of Rule 42.

Learned Government Pleader for Panchayat Raj (Andhra Pradesh) seeks time to get instructions.

In the facts and circumstances of the case and also in view of the material available on record, I am not inclined to adjourn the Writ Petition, inasmuch as the grievance of the petitioner is very limited. She seeks completion of inquiry pursuant to the notice dated 27.04.2016.

In that view of the matter and also considering the fact that the petitioner has already submitted her explanation, taking the same into account and consideration, the 3rd respondent is directed to complete the inquiry after providing an opportunity of hearing as required under the 1st proviso to Rule 42(1). Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall stand disposed of.

CHALLA KODANDA RAM, J

17th June 2016

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