

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.20245 OF 2016

ORDER:

Heard Mr.B.Vijaysen Reddy for petitioner and the Government Pleader for Panchayat Raj for respondents.

The petitioner prays for Mandamus declaring the action of 1st respondent in not considering and granting orders of stay pending disposal of appeal filed on 07.06.2016 against proceedings No.B5/538/2015 dated 03.06.2016 of the 2nd respondent, as illegal, arbitrary and amounts to not exercising the jurisdiction vested in the 1st respondent.

Admittedly, the legality or otherwise of proceedings dated 03.06.2016 is pending consideration before the 1st respondent.

The petitioner received show cause notice dated 24.11.2015 and on 22.01.2016 he submitted explanation. The attention of this Court is drawn to the report submitted by the Divisional Panchayat Officer/ 4th respondent dated 06.04.2016. The 2nd respondent through the impugned proceedings directed removal of petitioner as Sarpanch of Bheemgal Village, Bheemgal Mandal, Nizamabad District.

With the assistance of counsel appearing for both parties,
I have perused the material available on record.

Firstly, the inaction complained against the 1st respondent in passing orders on the stay petition filed by the petitioner is tenable and secondly to meet the ends of justice and to prefer expeditious disposal, instead of directing the 1st respondent to consider and dispose of the stay petition, having regard to the peculiar facts and circumstances of this case, I am satisfied that the proceedings dated 03.06.2016 can be suspended for a period of eight weeks from today. Further, the 1st respondent can be directed to dispose of the appeal on or before expiry of eight weeks. This Court would have considered expressing view while granting suspension, but refrains to make observations, for it otherwise affects consideration of appeal by the 1st respondent.

The writ petition is ordered by suspending the proceedings dated 03.06.2016 for a period of eight weeks from today and directing the 1st respondent to dispose of the appeal on or before expiry of eight weeks. There shall be no order as costs.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

S.V.BHATT, J _____

Date: 23.06.2016
Lrkm