

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.6986 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“To issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 3rd Respondent in issuing the proceedings in Roc.No.977/2016 (Pts.)-A3, dated 23.12.2016, wherein removing the cheque drawing powers of the petitioner and directing the 5th respondent to honor the Cheques and bills of the Turpukodigudlapadu Grampanchayat with the signature of the 7th respondent for general/13th & 14th finance/SFC funds as illegal, arbitrary and discriminative and violative of principles of natural justice and contrary to the A.P. Panchayat Raj Act, 1994 and set-aside the same and consequently direct the 31st respondent to restore the check drawing powers to the petitioner as Sarpanch of Turpukodigudlapadu Grampanchayat, Pamuru Mandal, Prakasam District by suspending the proceedings dated 23.12.2016.”

2. When the matter is called, it is represented by the learned counsel for the petitioner that the issue in the present writ petition is squarely covered by the decision of this Court in *SOMAGANI VENKATA SUBBAMMA V. DISTRICT PANCHAYAT OFFICER AND ANR.*¹ and the same is placed on record. Paragraph No.9 of the said Judgment reads as under:

“9. In this case, the petitioner herein was prohibited from drawing the Gram Panchayat funds permanently and completely, which is not contemplated under Rule 42(1) of the Rules. For this reason, the writ petition has to be allowed.”

3. Having regard to the above said judgment and for the reasons recorded therein, this writ petition is also allowed in terms thereof. However, it is open for the respondents to take appropriate action, in accordance with law. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:01.03.2017
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¹ 2006 (4) ALD 1

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Dated 01.03.2017

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