

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

WRIT PETITION No.2362 of 2017

ORDER:

This writ petition is filed challenging the memo No.5651/Pts.I/A2/2016-7 dated 10.01.2017 of the 2nd respondent-State Government dismissing the appeal filed by the petitioner herein against the orders of removal bearing No.B5/538/2015, dated 03.06.2016 passed by the 3rd respondent-District Collector.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj.

3. The District Collector *vide* proceedings No.B5/538/2015, dated 03.06.2016 ordered removal of the petitioner from the office of Sarpanch in exercise of the powers conferred under Section 249(1) of the A.P. Panchayat Raj Act, 1994 (for short 'the Act'). Aggrieved by the said order of removal, the petitioner herein preferred statutory appeal before the State Government under the provisions of Section 249(7) of the Act and the State Government *vide* memo dated 10.01.2017 dismissed the said appeal.

4. The learned counsel for the petitioner submits that the said orders passed by the primary and appellate authorities are neither sustainable nor tenable and they are opposed to the very spirit and object of the provisions of the Act and violative of principles of natural justice. It is further submitted by the learned counsel for the petitioner that the State Government grossly erred in passing the impugned order, without assigning any reasons.

5. On the contrary, it is submitted by the learned Government Pleader that there is neither illegality nor there is any procedural infirmity in the impugned action and having regard to the nature of

allegations against the petitioner, the respondents are perfectly justified in passing the orders under challenge.

6. Against the order of removal passed by the District Collector under the provisions of Section 249 of the Act, the petitioner herein filed an appeal before the statutory authority under Section 249(7) of the said Act.

7. A perusal of the memorandum of grounds of appeal filed before the State Government, which is also placed on record, clearly and manifestly discloses that the petitioner herein urged a number of grounds in support of his case.

8. A reading of the order passed by the State Government in appeal manifestly reveals that the 2nd respondent-State Government did neither advert to the grounds of appeal, nor considered the same. It is settled and well established proposition of law that any order of the quasi-judicial authority must necessarily be supported by valid reasons. The said principle, in the instant case, is followed in breach. It is also the case of the petitioner herein that the 2nd respondent passed the order under challenge without giving any notice though the petitioner was represented by a counsel.

9. In view of the above reasons and having regard to the submissions made by the learned counsel for the petitioner, this Court is of the considered opinion that ends of justice would be served, if the matter is remanded to the 2nd respondent for fresh disposal after giving an opportunity to the petitioner herein.

10. Since this Court *vide* order dated 23.06.2016 in W.P.No.20245 of 2016 suspended the 3rd respondent's proceedings dated 03.06.2016 pending the appeal before the State Government, this Court deems it appropriate to continue such order.

11. For the aforesaid reasons, this Writ Petition is allowed setting aside the memo No.5651/Pts.I/A2/2016-7 dated 10.01.2017. The appeal filed by the petitioner stands restored to file and the matter is remanded to the 2nd respondent for fresh disposal of the said appeal in accordance with law after giving notice to all the stakeholders. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. The order of removal dated 03.06.2016 of the 3rd respondent shall remain suspended till then.

As a sequel, the miscellaneous petitions, if any, shall stand closed.
There shall be no order as to costs.

24th January, 2017
ssp



A.V. SESA SAI, J