

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

WRIT PETITION No.29035 OF 2016

ORDER:

The writ petition is filed, under Article 226 of the Constitution of India, for the following relief:-

“declaring the action of the 3rd Respondent in issuing the proceedings in Roc.No.239/2016 (Pts.)-A8, dated 05.08.2016, wherein the cheque drawing powers of the petitioner and directing the 5th respondent to honor the Cheques and bills of the Tarlupadu Grampanchayat with the signature of the 6th respondent for general/13th & 14th finance/SFC funds until further orders as illegal, arbitrary and discriminative and violative of principles of natural justice and contrary to the rules in GOMS No.30, dated 20.01.1995 and contrary to the A.P.Panchayat Raj Act, 1994 and set-aside the same and consequently direct the 3rd respondent to restore the check drawing powers to the petitioner as Sarpanch of Tarlupadu Grampanchayat and Mandal, Prakasam District by suspending the proceedings dated 05.08.2016.”

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 Judgment of this Court in *SOMAGANI VENKATAK SUBBAMMA v. DISTRICT PANCHAYAT OFFICER, KRISHNA DISTRICT AND ANOTHER*⁽¹⁾ . In the said judgment, this Court at paragraph No.9, held 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.”

¹ 2006(4) ALD 1

3. In view of the above judgment and for the reasons recorded therein, this writ petition is allowed, setting aside the Proceedings in ROC.No.239/2016(Pts.)-A8, dated 05.08.2016. However, it is open for the respondents to take appropriate action, in accordance with law.

4. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

21.02.2017
TSNR

