

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.30884 of 2017

ORDER:

Heard the learned Counsel for the petitioner, learned Government Pleader for respondent Nos.1 to 3 and the learned Counsel for respondent No.4.

The petitioner was elected as Sarpanch of Kukunoorpalli Gram Panchayat in the elections held on 23.07.2013 for a period of five years. It appears that the Commissioner of Police, Siddipet, lodged a complaint on 28.03.2017 for taking action against the petitioner and on the basis of the same, a show cause notice was issued to the petitioner on 29.07.2017 invoking Section 249(1) of the Andhra Pradesh Panchayat Raj Act, 1994 (for short, the Act), leveling certain allegations. Though the petitioner was asked to submit his explanation within a specified time, he did not submit the same within time. But, he submitted his explanation on 04.09.2017. Since the explanation did not reach the competent authority within time, the second respondent passed an order on 05.09.2017 placing the petitioner under suspension for three months, pending enquiry by invoking Section 249(6) of the Act. Challenging the same, the present Writ Petition is filed.

A perusal of the impugned order dated 05.09.2017 shows that as many as five allegations were leveled against the petitioner including involving himself as an accused in three

crimes and in granting permission for construction of houses in Government land. These allegations have to be enquired by the competent authority and in view of the nature of allegations, it cannot be said that the impugned order passed by the second respondent is bad in law.

In view of the above, this Court is not inclined to entertain the present Writ Petition, and the Writ Petition is, accordingly, dismissed. But, the second respondent shall conduct the enquiry by giving due opportunity to the petitioner, complete the same within the period of suspension and pass appropriate orders in accordance with law. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

13.09.2017
vs

(A.RAMALINGESWARA RAO, J)