

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.19530 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 Proceedings of the 3rd Respondent in Roc.No.1163/2017-G2 dated 25.04.2015 (25.4.2017) which prohibits the petitioner from drawing funds is illegal, improper, arbitrary and against the principals of natural justice, contrary to the provisions of the A.P Panchayat Raj and the Rules framed there under and violation of Article 14 of the constitution of India and consequently set aside the Proceedings of the 3rd Respondent in Roc.No.1163/2017-G2 dated 25.04.2015 (25.4.2017) and pass such other order or orders as this Hon'ble Court may deem Fit and proper in the circumstances of the case.”

2. Heard learned counsel for the petitioner and perused the prayer in the writ petition with supporting affidavit and the other material on record and also heard the learned Government Pleader for Panchayat Raj, representing the respondents and perused the Sections 42 and 249, particularly 249(6) of the Panchayat Raj Act, with amendment by G.O.Ms.No.444, Panchayat Raj and Rural Development, dated 29.12.2005, to sub-section (1) of Section 42.

3. Section 249(6) of the Panchayat Raj Act mandates the suspension pending enquiry shall not be exceeded three months period and it is the bounden duty of the respondents to complete the enquiry.

4. Having regard to the above, this writ petition is disposed of, directing the respondents to complete the enquiry within three months, which is already pending, from the date of coming into effect of the suspension, failing which, needless to say the cheque power automatically revives. However, this order will not interdict the respondents power to complete the enquiry and take any action on own merits and further remedies to the petitioner therefrom are left open.

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

DR.B.SIVA SANKARA RAO,J

19.06.2017
SS