

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

WRIT PETITION No.10136 of 2017

ORDER:

This Writ Petition is filed for the following relief:

“It is prayed that this Hon’ble Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ or direction declaring the action of the 3rd respondent in issuing the impugned notice-cum-order vide Rc.No.1097/2016/A3, dated 29.08.2016 is illegal, arbitrary and violative of Rule 42(1) of the Rules issued in G.O.Ms.No.30, dated 28.01.1995, and further violative of infringing the rights guaranteed under Articles 14 and 21 of the Constitution of India and consequently, set aside the same.”

When the matter is called, it is represented by the learned counsel for petitioner so also the learned Government Pleader that the issue in the present Writ Petition is squarely covered by the order, dated 24.03.2006 in Writ Petition No.27659 of 2005 in the case of **Somagani Venkata Subbamma v. District Panchayat Officer, Krishna District and another¹**. In the said judgment, this Court held at paragraph No.9 as under:

“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

The above case is squarely applicable to the facts of the present case. Following the above said judgment and for the reasons recorded therein, the Writ Petition is allowed, setting aside the order in Rc.No.1097/2016/A3, dated 29.08.2016, of respondent No.3 only to the extent of withdrawing the cheque power. However, it is open for the respondents to take appropriate action in accordance with law.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand closed. No order as to costs.

Office to annex a copy of the order, dated 24.03.2006, in Writ Petition No.27659 of 2005, to this order.

24th MARCH, 2017.

A.V.SESHA SAI, J

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