

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

WRIT PETITION No.40763 OF 2016

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 action of the respondents in not taking any action against the 6th respondent inspite of giving complaints and representations dated 19.09.2016 as illegal, arbitrary and unconstitutional and consequently direct the respondents 1 to 3 to take action against the Sarpanch/6th respondent for his illegal acts of misappropriating the amount of Rs.25 lakhs of the Gram Panchayat fund and recover the amount of the public from the Sarpanch/6th respondent forthwith and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. Heard the learned counsel for the petitioner and perused the prayer in the writ petition with supporting affidavit and the other material on record, including the reminder letter of the petitioner dated 19.09.2016 to the respondents 2 and 5, to take action against the unofficial 6th respondent – Sarpanch for the alleged misappropriation of the funds of the Panchayat to a tune of more than twenty five lakhs and also heard the learned Government Pleader for Panchayat Raj and Home for the respondents 1 to 5, the unofficial respondent even served failed to attend.

3. It is the grievance of the petitioner that despite there is vigilance enquiry which indicates the misappropriation pointed out by the petitioner there is inaction on the part of the respondents.

4. The learned Government Pleader submits that the respondents can be directed to dispose of any representation of the petitioner pending and once there is a vigilance enquiry report and brought to their notice, they are going to take action.

5. Having regard to the above, this writ petition is disposed of, directing the respondents 2 to 5, if no enquiry so far conducted, to conduct enquiry on the representation of the petitioner and any vigilance report of the 2nd respondent to forward to the 3rd respondent, for the 3rd respondent or his subordinate pursuant to his direction, in question shall take appropriate action according to law. The petitioner must be known the result of the such enquiry and result of action may be taken within a period of three months from the date of receipt of a copy of this order.

6. 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

30.06.2017
SS