

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 28345 of 2017

Order:

Heard learned counsel for the petitioner.

The petitioner states that he was elected as Sarpanch of Polepalli Grampanchayat, Donakonda Mandal, Prakasam district in the year 2013. The Panchayat is having six hamlets. While so, the fourth respondent issued a notice on 03.05.2016 directing the petitioner to appear on 11.05.2016 for conducting an enquiry in respect of the allegations levelled against him by one D. Venkateswasrlu, Ex.MPTC. On that day, no enquiry was conducted. Thereafter, another notice was issued directing him to appear on 17.10.2016 and no enquiry was conducted on that day also. However, it appears that the seventh respondent submitted a report to the third respondent. On the basis of the report of the seventh respondent, a notice was issued to the petitioner calling for his explanation and, though the petitioner submitted his explanation, no records were produced nor verified the allegations against the petitioner. In those circumstances, the third respondent passed an order on 06.07.2017 restricting the cheque drawing powers. Challenging the said order, the present Writ Petition is filed.

As many as six allegations were levelled against the petitioner and those allegations require verification of the records. In the absence of records, the allegations could not be enquired by the concerned authorities and, in view of the same only the third respondent passed the impugned order.

Learned counsel for the petitioner submits that the third respondent has no jurisdiction to pass the impugned order. The said

submission cannot be countenanced, in view of Rule 42 of the Rules Relating to Certain Taxes and the Lodging of Moneys Received by the Gram Panchayat and Payment of Money from the Gram Panchayat Fund, 1995, issued under G.O.Ms.No.30, PR, RD & R, dated 20.01.1995. The said rule empowers the District Panchayat Officer to prohibit by an order any Sarpanch from drawing the moneys of the Gram Panchayat for the period specified in the order. The impugned order was passed restricting the cheque drawing powers of the petitioner for a period of three months. In view of the same, this Court sees no ground to interfere with the impugned order.

The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

Date: 23.08.2017
Nsr

A. RAMALINGESWARA RAO, J

