

**HON'BLE SRI JUSTICE A.V. SESA SAI**

**WRIT PETITION NO. 4380 OF 2017**

**ORDER:**

This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the impugned proceedings in Roc No. A4/976/2016, dated 12.1.2017 of the 3<sup>rd</sup> respondent where under withdrawn the cheque powers of the petitioner as Sarpanch for a indefinite period, as being illegal, arbitrary and is in violation of mandatory stipulations of the Panchayat Raj Act and the established judicial precedents and consequently set aside the same, and pass such other order or orders as are deemed fit and proper.”

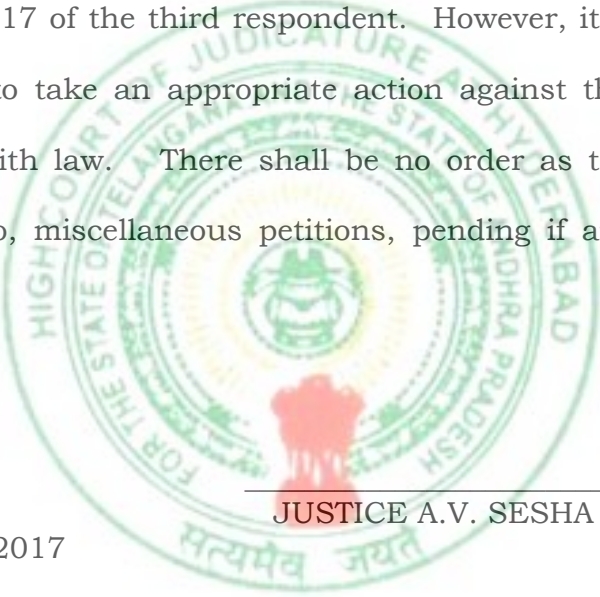
When the matter is taken up today, learned counsel appearing for both sides submit that the subject matter of this Writ Petition is squarely covered by the order dated 24.3.2006 passed by this Court in W.P.No. 27659 of 2005 reported in ***Somagani Venkata Subbamma v. District Panchayat Officer and another***<sup>1</sup>, a copy of the same is placed before this Court. Paragraph 9 of the said order reads as under:

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<sup>1</sup> 2006 CLICK JUDGMENTS (AP) 1268

“In this case, the petitioner herein was prohibited from drawing the Gram Panchayt 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.”

Following the said order and for the reasons stated therein, this Writ Petition is also allowed by setting aside the proceedings dated 12.1.2017 of the third respondent. However, it is open for the respondents to take an appropriate action against the petitioner in accordance with law. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.



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JUSTICE A.V. SESA SAI

DATE: 06.03.2017  
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