

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

Writ Petition No.33012 of 2017

ORDER: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Heard Sri Vedula Venkataramana, Learned Senior Counsel appearing on behalf of the petitioner, Learned Government Pleader for Panchayat Raj and Sri M.Sudheer Kumar, Learned Counsel appearing for the unofficial respondent.

The action of the first respondent in issuing the order dated 18.09.2017, suspending the petitioner from the office of Sarpanch of Podili Gram Panchayat, Prakasam District is questioned in this Writ Petition as being arbitrary and illegal.

A show-cause notice was issued to the petitioner on 07.09.2017 asking her to show-cause, within seven days of the receipt of the notice, as to why she should not be placed under suspension. On the ground that a reply was not filed to the show-cause notice within time, the order of suspension came to be passed under Section 249(6) of the A.P. Panchayat Raj Act, 1996. The petitioner submitted her explanation to the show-cause notice on 22.09.2017, and invoked the jurisdiction of this Court contending that, since the notice was served only on 15.09.2017, the one week period would have expired only on 22.09.2017 even before which the impugned order came to be passed on 18.09.2017. By order dated 27.09.2017, the Learned Single Judge granted interim suspension of the impugned notice, and directed the matter to be listed along with W.P.(PIL) No.230 of 2017.

It is wholly unnecessary for us to keep the Writ Petition pending on the file of this Court as it does appear that the show-cause notice dated 07.09.2017 was served on the petitioner only on 15.09.2017, the one week period stipulated therein for a reply to be filed would have expired only on 22.09.2017, and the impugned order dated 18.09.2017 came to be passed even before expiry of the one week period stipulated in the show-cause notice. Since the petitioner had, thereafter, submitted her reply, it would suffice that if the impugned order is set aside, and the District Collector is directed to consider the petitioner's reply to the earlier show-cause notice, and pass orders afresh in accordance with law, within a period of three weeks from today.

Learned Government Pleader for Panchayat Raj is present in Court, and undertakes to inform the District Collector of his obligation under this order.

The Writ Petition is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

ABHINAND KUMAR SHAVILI, J.

Date: 31st October, 2017

Note:
Issue C.C. within 2 days.
B/O
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