

THE HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.1695 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue a Writ, order or direction more particularly on in the nature of writ of Certiorari declaring the proceedings in Rc.No.4357/2016/A2 dated ...12.2016 of the 3rd respondent is arbitrary and illegal.”

Heard Sri R.Rajasekhar Rao, learned counsel for the petitioner and the learned Government Pleader for Panchayatraj and Rural Development for respondents 1, 3, 4 and 5 and learned Government Pleader for Revenue for respondents 2 and 6.

The petitioner herein is the Sarpanch of Ramavaram Village, Anaparti Mandal, East Godavari District. The District Panchayat Officer of East Godavari District, Kakinada, 3rd respondent herein *vide* proceedings RC No.4357/2016-A2 dated ...12.2016 ordered withdrawal of the cheque power of the petitioner herein.

According to the learned counsel for the petitioner the District Panchayat Officer did not issue any show-cause notice to the petitioner. During the course of arguments, the only contention raised by the learned counsel for the petitioner is that the impugned order withdrawing the cheque power for an indefinite period is highly illegal, arbitrary and contrary to law laid

down by this Court in ***Bandameedi Narayana v. Banda Meedi Rajaiah***¹. In the said judgment, this Court held 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.”

In view of the above settled law and as the impugned order does not indicate any specific time, the order impugned is liable to be set aside.

Accordingly, the Writ Petition is allowed setting aside the impugned order dated ...12.2016 and the matter is remanded to the 3rd respondent and he is directed to pass orders afresh in accordance with law. No costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

A.V. SESA SAI, J

19th January, 2017.
ssp

¹ 2006(4) ALD 4