

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 33468 of 2017

Order:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner was elected as Sarpanch of Shanivarapupeta Gram Panchayat, Eluru Mandal, West Godavari District. On the complaint of Ward Members, an enquiry was initiated against the petitioner in exercise of powers conferred under Section 249(6) of the Andhra Pradesh Panchayat Raj Act, 1994 (for brevity 'the Act'). The enquiry is under progress. The petitioner was kept under suspension for a period of three months and enquiry could not be completed within the said period of three months. On the report of the District Collector, when the Government issued G.O.Rt.No.577, Panchayat Raj and Rural Development (PTS.I) Department, dated 24.08.2017, extending the period of suspension from 05.08.2017 for another period of three months in order to enable the District Collector, West Godavari District to finalise the matter, the present Writ Petition is filed challenging the said order.

Learned counsel for the petitioner submits that no copy of the report of the District Collector was furnished to the petitioner and the impugned order is also with retrospective effect.

I am not impressed with the said submissions made by the learned counsel for the petitioner. Section 249 of the Act empowers the District Collector or the Government to remove the Sarpanch and other office bearers of the Zilla Parishad. In the instant case, the District Collector who is the competent authority initiated the action and the enquiry is pending. Under sub-section (6) of Section 249 of the said Act, he has got

power to suspend the Sarpanch pending enquiry not exceeding three months. The proviso to said sub-section enables the Government to extend the said period by another period of three months and the total period of suspension shall not exceed six months. Hence, the impugned order is within the jurisdiction of the Government. Now, nearly five months have elapsed and the enquiry must be at an advanced stage.

In the circumstances, this Court cannot entertain the present Writ Petition, but directs the second respondent to complete the enquiry and finalise the case within the extended period indicated in G.O.Rt.No.577, Panchayat Raj and Rural Development (PTS.I) Department, dated 24.08.2017. It is needless to observe that the enquiry shall be completed after giving due opportunity to the petitioner and the petitioner shall co-operate for conclusion of the enquiry.

The Writ Petition is, accordingly, disposed of. 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.

A. RAMALINGESWARA RAO, J

Date: 06.10.2017
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