

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.3708 OF 2017

ORDER:

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

“to issue a Writ or order more particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of the official respondents, especially 3rd Respondent in curtailing the cheque power of the petitioner and has given funds withdrawing powers to the Extension Officer (PR&RD), Kotabommali to operate the developmental works in the village until further orders through his proceedings in Roc.No.1771/2014/P5, dated 01.10.2016, without authority and without following the procedure and to declare the same as illegal, arbitrary, unjust and also in violation of the provisions of A.P.Panchayat Raj Act and consequently set aside the same and to pass such other order or orders as it deems fit and proper in the circumstances of the case.”

2. When the matter is called, it is represented by the learned counsel for petitioner so also the learned Government Pleader that the issue in the present writ petition is squarely covered by the order, dated 24.3.2006, in W.P.No.27659 of 2005 in the case of **Somagani Venkata Subbamma v. District Panchayat Officer, Krishna District and another**¹ and a copy of the same is also placed on record. In the said judgment, this Court held at paragraph No.9 as under:-

“In this case, the petitioner herein was prohibited from drawing the Gram Panchayat funds permanently and completely, which is not

¹ 2006 (4) ALD 1

contemplated under Rule 42(1) of the Rules. For this reason, the writ petition has to be allowed.”

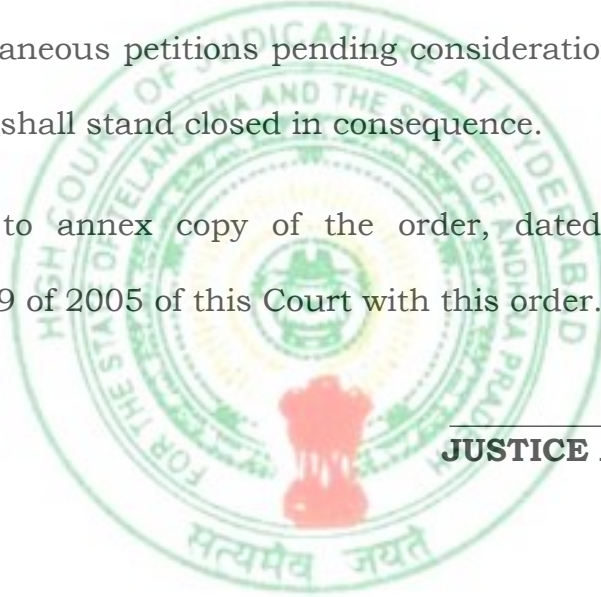
3. The above case is squarely applicable to the facts of the present case. Following the above said judgment and for the reasons recorded therein, the Writ Petition is allowed, setting aside the proceedings in U.R.No.1771/2014/P5, dated 01.10.2016, of respondent No.3. However, it is open for the respondents to take appropriate action in accordance with law. There shall be no order as to costs.

4. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence.

5. Office to annex copy of the order, dated 24.3.2006, in W.P.No.27659 of 2005 of this Court with this order.

17.02.2017
AMD

JUSTICE A.V.SESHA SAI



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Date: 17.02.2017

AMD