

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.17868 OF 2017

ORDER:

Heard learned counsel for the petitioner.

The petitioner was elected as Sarpanch of Kankipadu Gram Panchayat, Kankipadu Mandal, Krishna District, in the elections held in the year 2013. She belongs to Scheduled Caste community and was elected from reserved quota. According to her, the Upa Sarpanch was creating troubles to her. He also used unparliamentary language on 24.07.2014 resulting in issuing a complaint to the ACP and the same was registered as crime No.287 of 2014 on 10.09.2014 by the Kankipadu P.S., under Sections 506 and 509 IPC read with Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The matter is under investigation.

While so, the fourth respondent issued a show cause notice on 11.08.2014 alleging that the petitioner indulged in misappropriation of an amount of Rs.2,62,773/- and directing her to deposit half of the amount, failing which appropriate action would be taken against her under the provisions of the Panchayat Raj Act. She submitted her explanation on 18.08.2014 and 18.09.2014. The fourth respondent passed an order cancelling her cheque power. In those circumstances, she filed W.P.No.32422 of 2014 challenging the show cause notice dated 23.09.2014 and during the pendency of the said writ petition, the fourth respondent issued orders on 28.10.2014 revoking the order challenged therein, but imposed certain conditions. The fourth respondent again issued show cause notice on the complaint lodged by Upa Sarpanch on 13.04.2014 and the petitioner submitted her explanation. In the show cause notice, the fourth respondent referred to several orders of

Divisional Panchayat Officer and the report of the third respondent dated 08.02.2016, but the copy of the report was not supplied to the petitioner. However, when action was proposed to be taken against the petitioner, she filed the present writ petition challenging the show cause notice dated 10.05.2017 asking her to show cause why action should not be taken under Section 249(1) of the Panchayat Raj Act.

Since it is only a show cause notice, this Court is not inclined to go into the merits of the case. The fourth respondent shall supply a copy of the report of the Divisional Panchayat Officer dated 27.03.2017 to the petitioner and after receipt of the same, it is open to the petitioner to submit her explanation within a period of fifteen days thereafter. After considering the explanation submitted by the petitioner, it is open to the fourth respondent to take action in accordance with law. Till such time, the petitioner shall be continued as Sarpanch.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

08.08.2017
pln

A.RAMALINGESWARA RAO, J