

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.17947 OF 2017

ORDER:

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

“to issue a writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the orders in Proc.No. 673/2017/A2-Pts., dated 31-05-2017 passed by the 2nd Respondent in removing the petitioner from the post of Sarpanch of Ameenpur Gram Panchayat, Ameenpur Mandal, Sangareddy District as being illegal, arbitrary, violation of principles of natural justice and contrary to the provisions of the Telangana Panchayath Raj Act, 1994 and consequently set aside the same and pass such other order or orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Heard learned counsel for the petitioner and learned Government Pleader for Panchayat Raj, representing the respondents 1 and 2, while recording the offer of Sri Y.Rama Rao, learned standing counsel for the 3rd respondent, to file vakalat and counter.

3. From the perusal of the material, including the written instructions received by the learned Government Pleader filed before the Court, there is a statutory remedy of appeal.

4. No doubt it is the contention of the petitioner that the 3rd respondent delegated the power way back in the year, 2009 only to the Executive Officer of Panchayat or Panchayat Secretary as the case may be and not to any Sarpanch of the Panchayats and for that matter not even to the Panchayats for approval of any plan, in the area of the villages falling within the limits of the HMDA and as such the question of finding fault with any Sarpanch equally the petitioner as Sarpanch of the Ameenpur Gram Panchayat and thereby the removal of the petitioner from post of Sarpanch for so called approval of several plans irregularly by Panchayat Secretary is unjust even there is any initial or signature of petitioner when that is not required and no way significant.

5. Leave about such a contention, since left open, once there is a statutory remedy of appeal to be availed, the writ petition can be disposed of to avail such remedy. Thus without expressing anything on merits of such contention and by suspending the impugned order for one month from today, the writ petitioner is directed to avail statutory remedy of appeal within fifteen days from today to entertain without regard to any delay in pursuant to this order and it shall therefrom pass any necessary order if at all any interim application is filed in the meantime and also dispose of the

appeal at any cost within two months from today. Further remedy if at all is left open.

5. With the above direction, this writ petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO,J

08.06.2017

*Note: issue C.C. by tomorrow.
B/o.SS*

