

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.2296 of 2017

ORDER:

The order of removal passed by the District Collector, 2nd respondent herein vide proceedings No.3006/2014B1 (Panchayat-1) dated 19.11.2015 and the order of the 1st respondent vide memo No.12362/Pts.I/A2/2015-5, dated 11.05.2016 dismissing the revision are under challenge in the present writ petition.

2. Heard Sri M.Srinivasa Rao, learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj.

3. The District Collector vide proceedings No.3006/2014B1 (Panchayat-1) dated 19.11.2015 ordered removal of the petitioner from the post of Sarpanch in exercise of the powers conferred under Section 249(1) of the A.P. Panchayat Raj Act, 1994 (for short 'the Act'). Aggrieved by the said order of removal, the petitioner herein preferred statutory appeal before the State Government under the provisions of Section 249(7) of the Act and the State Government vide memo dated 11.05.2016 dismissed the said appeal.

4. The learned counsel for the petitioner submits that the said orders passed by the primary and appellate authorities are neither sustainable nor tenable and they are opposed to the very spirit and object of the provisions of the Act and violative of principles of natural justice. It is further submitted by the learned counsel for the petitioner that the State Government grossly erred in passing the impugned order, without assigning any reasons.

5. On the contrary, it is submitted by the learned Government Pleader that there is neither illegality nor there is any procedural infirmity in the impugned action and having regard to the nature of

allegations against the petitioner, the respondents are perfectly justified in passing the orders under challenge.

6. Against the order of removal passed by the District Collector under the provisions of Section 249 of the Act, the petitioner herein filed an appeal before the statutory authority under Section 249(7) of the said Act.

7. A perusal of the memorandum of grounds of appeal filed before the State Government, which is also placed on record, clearly and manifestly discloses that the petitioner herein urged a number of grounds in support of her case.

8. A reading of the order passed by the State Government in appeal manifestly reveals that the 1st respondent-State Government did neither advert to the grounds of appeal, nor considered the same. It is settled and well established proposition of law that any order of the quasi-judicial authority must necessarily be supported by valid reasons. The said principle, in the instant case, is followed in breach. It is also the case of the petitioner herein that the 1st respondent passed the order under challenge without giving any notice though the petitioner was represented by a counsel.

9. In view of the above reasons and having regard to the submissions made by the learned counsel for the petitioner, this Court is of the considered opinion that ends of justice would be served, if the matter is remanded to the 1st respondent for fresh disposal after giving an opportunity to the petitioner herein.

10. For the aforesaid reasons, this Writ Petition is partly allowed setting aside the memo No.12362/Pts.I/A2/2015-5, dated 11.05.2016. The appeal filed by the petitioner stands restored to file and the matter is remanded to the 1st respondent for fresh disposal of the said appeal in

accordance with law after giving notice to all the stakeholders. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

24th January, 2017

Note: Issue C.C. in three days
ssp

