

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.35948 of 2017

ORDER:

The petitioner was elected as the Sarpanch of the fourth respondent Gram Panchayat on 27.07.2013 for a period of five years from the date of assuming charge in August, 2013. On the basis of a complaint with regard to the allegation of misuse of Gram Panchayat funds, an order was passed on 16.02.2017 restraining the petitioner from drawing the cheques. Challenging the same, the petitioner filed W.P.No.7518 of 2017 and the same was allowed on 08.03.2017 specifically pointing out the decision of this Court in **Subbamma v. District Panchayat Officer, Krishna District**¹, wherein this Court set aside the order when the order did not stipulate any period. After passing the said order, an order was passed on 28.03.2017 restoring the power of drawing cheques by the petitioner. However, a show cause notice was issued on 13.07.2017 by the District Collector (PW) under Section 249(6) of the Andhra Pradesh Panchayat Raj Act for certain allegations and for taking action to suspend the petitioner from the post of Sarpanch. Now, an order was passed freezing the cheque drawing powers and entrusting the same to the Extension Officer (PR&RD), Khammam Rural, by order dated 29.09.2017. Challenging the same, the present Writ Petition is filed.

¹ 2006 (4) ALD 1

When this Court on an earlier occasion set aside the order passed on 16.02.2017 by relying on the judgment of this Court, the third respondent should have seen that an order freezing the cheque drawing power cannot be passed without mentioning any period. Further, the show cause notice issued against the petitioner was under Section 249(6) of the Andhra Pradesh Panchayat Raj Act asking the petitioner to show cause as to why he should not be kept under suspension for the alleged irregularities. But, contrary to both the situations, the impugned order is passed freezing the cheque drawing power.

Hence, this Court is constrained to set aside the impugned order and allow the Writ Petition at the admission stage. However, this will not prevent the third respondent from passing orders in accordance with law.

The Writ Petition is, accordingly, allowed. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

27.10.2017
vs

(A.RAMALINGESWARA RAO, J)