

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 37197 OF 2017

ORDER:

This writ petition is filed seeking writ of mandamus declaring the proceedings of the 3rd respondent in Rc.No.A1/E160262/2016, dated 27.07.2016 further extension in Rc.No.A2/E160440/2017, dated 24.05.2017 prohibiting the petitioner from drawing the V.A.Puram Gram Panchayath funds as illegal and arbitrary and consequently to set aside the same.

It is the case of the petitioner that proceedings were initiated against the petitioner by the 3rd respondent under Rule 42 (1) as per G.O.Ms.No.30 Panchayat Raj & Rural Development, dated 20.01.1995 and show-cause notice was also issued to the petitioner on 27.07.2016 and that the petitioner also filed explanation on 03.08.2016 to the same. Instead of passing final orders under Sub-Rule (1) of Rule 42 of the Rules made under G.O.Ms.No.30, dated 20.01.1995 by considering the explanation of the petitioner, the 3rd respondent has issued impugned proceedings dated 24.05.2017 imposing restrictions on drawing funds from the V.A.Puram Grama Panchayat, as the petitioner drawn the funds with the counter signature of the Development Officer (P.R & R.D). Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Panchayat Raj.

Learned counsel for the petitioner submits that the writ petition can be disposed of with a direction to the 3rd respondent-District Panchayat Officer to pass final orders by considering the explanation of the petitioner in terms of Rule 42(1) of Rules made under G.O.Ms.No.30, dated 20.01.1995, as the 3rd respondent, without considering the explanation of the petitioner, curtailed the power of Sarpanch from withdrawing the money. He submits that he also made representation dated 20.06.2017 to that effect.

In view of the submission of the learned counsel for the petitioner, the 3rd respondent-District Panchayat Officer is directed to pass final orders under Rule 42(3) of the Rules contained in G.O.Ms.No.30, dated 20.01.1995, by considering the explanation of the petitioner dated 03.08.2016, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of.

A.RAJASHEKER REDDY,J

07-11-2017

kvs

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Date: 07.11.2017

kvs

