

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.34529 OF 2017

ORDER :

This writ petition is filed assailing the show cause notice dated 02-10-2017 issued by the 3rd respondent for recovery of certain amounts from the petitioner on the alleged ground that she misappropriated the funds of Venkatapuram Gram Panchayat.

2. Normally this Court will not entertain writ petition against the issue of show cause notice in all cases. Interference with the proceedings initiated by the statutory authorities in exercise of the extraordinary writ jurisdiction would be in cases where the show cause notice issued is found to be without jurisdiction and in violation of principles of natural justice.

3. Learned senior counsel Sri YV Ravi Prasad, sought to assail the impugned notice on two grounds; firstly that the 3rd respondent has no jurisdiction to issue the impugned order; and secondly, the impugned order is though styled as show cause notice, the amount that is sought to recovered from the petitioner is determined. On the other hand, learned Government Pleader for Panchayat Raj submits that under notification dated 03-08-1999, the Commissioner of Panchayat Raj and Rural Employment has delegated the powers of the Commissioner to the District Collectors to exercise the powers of Commissioner within their jurisdictions. In the light of the notification dated 03-08-1999, the contention that the 3rd respondent has no jurisdiction cannot be acceded. The details of amounts mentioned in the impugned notice are the various counts, which the petitioner is alleged to have misappropriated and it is only prima facie conclusion. In the

circumstances, I do not see any merit in the writ petition and it is accordingly dismissed.

4. However, learned senior counsel submits that the petitioner be given reasonable time to file explanation to the impugned show cause notice. In the circumstances, it is open for the petitioner to file explanation to the impugned show cause notice within a period of four weeks and on receipt of the same, it is for the respondent-authorities to consider the same and pass appropriate orders thereon in accordance with law. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

Dated: 02-11-2017
NRG



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