

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.36420 OF 2017

ORDER:

This writ petition is filed challenging the show cause notice dated 29.09.2017 under Section 249(1) of the Panchayat Raj Act, 1994, issued by the 2nd respondent wherein and whereby the petitioner was directed to remit an amount of Rs.4,79,584/- and also to show cause as to why necessary action should not be taken on him, within ten days.

Heard learned counsel for the petitioner who submits that petitioner is aggrieved by the impugned notice only with regard to direction to remit an amount of Rs.4,79,584/- alleged to have been misappropriated by him, without any enquiry and prior notice. As far as direction to submit explanation by the petitioner is concerned, the petitioner will submit the same.

Heard learned Assistant Government Pleader for Panchayat Raj.

A reading of the impugned order shows that the same was issued without any prior notice and without conducting any enquiry regarding recovery of the said amount, which is in violation of principles of natural justice. In view of the same the impugned order is set aside to the extent of direction given by the 2nd respondent to remit an amount of Rs.4,79,584/-. However, it is open for the petitioner to submit explanation to the impugned notice, within a period of four weeks from today. On such

explanation, it is open for the respondents to pass appropriate orders. The respondents are also at liberty to initiated action for recovery of the amounts, in accordance with law by issuing notice to the petitioner.

Accordingly, the writ petition is partly allowed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

03.11.2017
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A.RAJASHEKER REDDY, J