

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.43225 OF 2017

ORDER:

This writ petition is filed for the following relief;

“.... to issue a writ, order or direction more particularly one in the nature of Writ of *Mandamus* to set-aside the impugned proceedings Letter No.1381/17 P5, dt.05.12.2017 of the 4th respondent by taking into consideration of G.O.Ms.No.432 Panchayat Raj and Rural Development (PTS.III) Department, dt.30.10.2013, subsequently, to restore the cheque drawing power of the petitioner to draw the funds of Baruva Grama Panchayat, Sompeta Mandal, Srikakulam District as Sarpanch and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel for the petitioner who submits that this Court had an occasion to dispose of writ petition No.38713 of 2017, involving similar facts and circumstances.

Admittedly, petitioner has alternative remedy of appeal against the impugned order. It is not the case of the petitioner that impugned order passed by the 4th respondent is without jurisdiction, as such, petitioner can prefer appeal against the impugned order.

In view of the above, it is open for the petitioner to prefer appeal against the impugned order, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the competent authority is directed to dispose of the same within a period of four weeks thereafter. Till then, there shall be stay of recovery of an amount of Rs.9,09,173/-. If the petitioner fails to file appeal within the stipulated period, it is open for the respondents to take action in accordance with law. However, this order will not preclude the competent authority from initiating action for recovery of the said amount.

Accordingly, the writ petition is disposed of. No order as to costs.

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

A.RAJASHEKER REDDY, J

27.12.2017
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