

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.39623 OF 2017

O R D E R :

This petition is filed for a writ of *Mandamus* to set-aside the impugned proceedings Letter No.158/2017 P5, dated 19.09.2017 of the 4th respondent, subsequently to restore the cheque power of the petitioner to draw the funds of Mandapalli Grama Panchayat, Kanchili Mandal, Srikakulam District as a Sarpanch for development of Grama Panchayat.

Learned counsel for the petitioner submits that without following due procedure as envisaged under Section 265 of the Panchayat Raj Act, passed impugned order prohibiting the cheque drawing power of the petitioner for a period of one year. In the same proceedings the respondents sought to recover the amounts from the petitioner.

Learned Assistant Government Pleader for Panchayat Raj submits that petitioner has alternate remedy of appeal against the impugned order.

Since procedure under Section 265 of Panchayat Raj Act is not followed, the direction to the extent of recovering the amounts from the petitioner is set aside. However, this order will not preclude the competent authority from recovering the said amount by following procedure as envisaged under Section 265 of the Panchayat Raj Act. It is

open for the petitioner to avail alternate remedy against withdrawal of cheque power of petitioner.

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.

23.11.2017
t k.

A.RAJASHEKER REDDY, J

