

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.42436 OF 2017

ORDER:

This writ petition is filed challenging the proceedings dated 05-12-2017.

Learned counsel for the petitioner submits that the respondents cannot extend the order of suspension suspending the petitioner as Sarpanch beyond period of six months as original order of suspension is passed on 05-05-2017 and the same is expired on 05-11-2017 in terms of Section 249 (6) of A.P.Panchayat Raj Act (for short "the Act"). As such, the impugned order to the extent of observing the petitioner will continue to be under suspension till further orders is illegal and arbitrary and provisions of Section 249(1) of the Act.

Learned Government Pleader for Panchayat Raj produced written instructions stating that the petitioner was also issued notice under Section 249(1) of the Act on 24-06-2017. But inspite of giving several opportunities on 21-10-2017, 04-11-2017 and 18-11-2017, the petitioner failed to attend the said hearings and also admitted in written instructions that suspension period was completed by 05-11-2017 and the Office of Panchayat Raj has not issued any order extending the order of suspension beyond six months. In spite of assuming to the office of Sarpanch after completion of the suspension period of six months, which expired on 05-11-2017, the petitioner has filed the writ petition. It is also stated that notice was issued by the District Collector asking her to be present

before the District Panchayat Officer, West Godavari, Eluru for re-verification of records in her presence between 7th December to 9th December, 2017. But the petitioner has not turned up and without any reason, the present writ petition is filed.

It is to be seen that period of six months elapsed by 05-11-2017, as the petitioner was suspended on 05-05-2017. It is the case of the respondents that no extension was done in the impugned proceedings in the last paragraph. But it is stated that the petitioner will continue to be under suspension till further orders, if she brings outside influence in the course of re-verification.

In view of the same, operative portion to the extent that the petitioner will be under suspension is set aside. The respondents have also stated that the petitioner has assumed the office of Sarpanch.

Accordingly, the writ petition is allowed to the extent indicated above. However, this order will not preclude the respondent-authorities from taking action under Section 249(1) of the Act. If the petitioner is not cooperating with the enquiry initiated under Section 249(1) of the Act, it is open for the respondents to take appropriate action in accordance with law. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

18-12-2017

Nvl



