

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.6960 OF 2017

ORDER:

Heard Sri P.Prabhakara Rao, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj (TG) appearing for respondent Nos.1 to 3 and Sri K.Rama Krishna, learned counsel appearing for respondent No.4.

2. The petitioner herein claims to be the 4th Ward Member of Gorenkalapally Village, Nakrekal Mandal, Nalgonda District. The grievance of the petitioner in the present writ petition is the inaction on the part of respondent Nos.1 to 3 in taking action against respondent Nos.4 and 5.

3. In furtherance of the same, it is contended by the learned counsel for the petitioner that in respect of respondent No.4/Sarpanch, the District Collector issued a show cause notice bearing No.1499/2016-B1(PW)-1, dated 26.11.2016, asking respondent No.4 to show cause as to why a sum of Rs.10,78,451/- should not be recovered. The District Collector also issued a show cause notice bearing No.1499/2016-B1(PW)-2, dated 26.11.2016, under Section 249 (1) of the Telangana Panchayat Raj Act, 1994 calling upon respondent No.4 to show cause as to why she should not be removed from the office of the Sarpanch. It is further submitted that though the District Collector heard the matter in respect of the Sarpanch, no orders have been passed by the District Collector. With regard to respondent No.5, it is submitted by the learned counsel that though the District Collector issued a charge memo on 26.11.2016, no further proceedings have been

initiated against the Panchayat Secretary/respondent No.5 herein. Eventually, it is submitted by learned counsel that further action may be directed to be taken by the District Collector against respondent Nos.4 and 5.

4. On the other hand, it is submitted by the learned Government Pleader that the matter in respect of the Sarpanch of the Gram Panchayat i.e., respondent No.4 herein has been reserved by the District Collector and orders are likely to be passed shortly, and in respect of respondent No.5, an objection has been taken by the learned Government Pleader stating that the cause pertaining to respondent No.5 is an independent one and cannot be adjudicated in the present writ petition. This Court finds sufficient force in the said contention. At the same time, this Court does not find any justification on the part of the District Collector in not passing any orders in respect of respondent No.4/Sarpanch having reserved the matter.

5. For the aforesaid reasons, the Writ Petition is disposed of, to the extent of respondent No.4, directing respondent No.2 – The District Collector, Nalgonda District, Nalgonda to pass appropriate final orders pursuant to the show cause notice bearing No.1499/2016-B1(PW)-2, dated 26.11.2016, within a period of one month from the date of receipt of a copy of this order as per law.

6. To the extent of respondent No.5, this Writ Petition is dismissed giving liberty to the petitioner herein to file independent writ petition, if he is advised to do so. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 03.01.2018
AMD



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