

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6735 OF 2018

ORDER:

This writ petition is filed for the following relief:

“to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of 3rd respondent in not discharging his duties as a responsible officer of the state in passing the order of removal of Upa-Sarpanch, Keesara Gramapanchayat, Medchal District having convened the meeting of no-confidence motion with 2/3rd majority of the total number of members present on 21.02.2018 in pursuance of a notice for the same issued by him as illegal, arbitrary and in violation of the statutory provision of law under Section 245(1) and (2) of Gram Panchayat Act, 1994...”

It is the specific assertion of the petitioners that the meeting with 2/3rd majority of total members was convened on 21.02.2018 for removing the Upa-Sarpanch, Keesara Gram Panchayat, Medchal District. The complaint of the petitioners is that the respondents have not been taking action pursuant to the ‘no confidence motion’, moved on 21.02.2018.

Learned Government Pleader for Panchayat Raj placed on record the instructions received from the 3rd respondent-Revenue Divisional Officer, Keesara Division, Medchal, Malkajgiri District, along with the copies of minutes book.

A perusal of the minutes book discloses that the meeting was convened on 21.02.2018, on which date, the 3rd respondent, in a most irresponsible way, failed to record the result of the meeting except stating that further steps would be taken in terms of Section 245 of the A.P. Panchayat Raj Act, 1994. From this, it cannot be said that any decision was taken at the relevant point of time.

Inasmuch as there is no record by the then Revenue Divisional Officer with respect to the result of the meeting

convened on 21.02.2018 and as there is no possibility of recording the result of the said meeting, at this stage, this Court disposes of the writ petition by issuing directions to the District Collector-2nd respondent to initiate disciplinary proceedings against the then Revenue Divisional Officer or the authority concerned, who is responsible for the present state of affairs of Gram Panchayat. However, it is open for the petitioners to take appropriate action, if they still desire to unseat the Upa-Sarpanch.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. No costs.

CHALLA KODANDA RAM, J

Date: 06.03.2018
ssp

