

HONOURABLE SRI JUSTICE CHALLA KODANDA RAMWRIT PETITION No.6881 of 2018**ORDER:**

The petitioner challenges the Proceedings dated 27.12.2017 of the District Collector, accepting the explanation of respondent No.3 that on account of certain difficulties, she could not be present in the village on earlier occasion and that she has returned to the village and ready to discharge the functions as Sarpanch.

The main contention of the petitioner is that eventhough respondent No.3 stated that she had returned to the village, as a matter of fact, she is not residing in the village and O.P.No.87 of 2016 filed before the Senior Civil Judge's Court, Suryapet, seeking divorce from her husband is pending. It is his further case that on account of absence of respondent No.3 in the village, the works are not being taken up for execution.

It is further asserted that the petitioner has been discharging the functions of Sarpanch all through and restoration of respondent No.3 by impugned proceedings would hamper the works that are being carried out. The petitioner further asserted that one of the ward members of the village had complained to the Collector on 05.02.2018 about absence of respondent No.3. In those circumstances, the petitioner seeks a writ of mandamus declaring the action of respondent No.2 in appointing the Sapanch of Nasimpet Gram Panchayat, Atmakur(S), Suryapet

District, Nalgonda District, without conducting any enquiry into the unauthorized absence of more than two and half years by respondent No.3 from the official duties as Sarpanch in the office of Gram Panchayat, Nasimpet, Atmakur(S), Mandal, Suryapet District, as illegal, arbitrary, unconstitutional and violation of Section 29 of Panchayatraj Act.

Heard arguments of learned counsel for the petitioner and the learned Government Pleader for respondents.

This Court cannot find fault the decision taken by the District Collector about Respondent No.3 being present in the village and attending to the functions of Sarpanch. However, as the petitioner submits that one of the ward members of the village had made a complaint to the District Collector on 05.02.2018, the latter shall consider the same and cause necessary enquiry with respect to the truth or otherwise of the same and pass necessary orders in accordance with law.

With the above observation, this Writ Petition is disposed of.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

CHALLA KODANDA RAM,J

Dt: 05-03-2018

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