

**THE HONOURABLE SRI JUSTICE A.V.SESHA SAI**

**WRIT PETITION No.11001 OF 2018**

**ORDER:**

Heard learned counsel for the petitioner, learned Government Pleader for Panchayat Raj (A.P.) for respondent Nos.1 to 4 and Sri G.Seshadri, learned Standing Counsel appearing for respondent No.5.

2. A notice bearing No.E.Office Number:347616 P:7, dated 19.02.2018, issued by the District Panchayat Officer, Krishna, Machilipatnam, respondent No.3 herein, asking the petitioner to submit explanation within fifteen days while directing the petitioner to obtain the countersignature of the Divisional Panchayat Officer on the cheques is under challenge in the present writ petition.

3. The contentions advanced in the present writ petition are too fold viz., (1) the impugned notice is contrary to the law laid down by this Court in **Somagani Venkata Subbamma vs. District Panchayat Officer, Krishna District and another<sup>1</sup>** and (2) the District Panchayat Officer passed the impugned order without giving any opportunity. Insofar as the first contention ie., the impugned notice is contrary to the law laid down by this Court in **Somagani Venkata Subbamma's** case (1 supra) - this Court in the said decision held that an order of this nature, which does not prescribe the time limit, cannot be sustained. In the instant case, the District Panchayat Officer, in the impugned order itself, indicated the time limit as 31.07.2018. Therefore, the said

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<sup>1</sup> 2006 (4) ALD 1

judgment would not render any assistance to the petitioner herein. Insofar as the second contention i.e., The District Panchayat Officer issued the impugned notice without any prior opportunity - it is to be noted that as per the second proviso to Rule 42(1) of the Rules notified *vide* G.O.Ms.No.30, Panchayat Raj, Rural Development & Relief Department, dated 20.01.1995, the District Panchayat Officer is competent to issue an interim direction not to draw the monies of the Gram Panchayat pending exercise of his powers under the said provision of law. Therefore, the second contention is also liable to be rejected.

4. It is submitted by the learned counsel for the petitioner that in response to the notice impugned, the petitioner herein submitted explanation on 09.03.2018 and a request is made by the learned counsel for the petitioner to direct the District Panchayat Officer to pass appropriate final orders in the matter as per Rule 42 of the Rules.

5. Having heard the learned counsel for the petitioner and the learned Government Pleader, this Writ Petition stands disposed of, without interfering with the order under challenge, directing the District Panchayat Officer/respondent No.3 herein to pass appropriate final orders in the matter as per Rule 42 of the Rules by taking into consideration the explanation offered by the petitioner herein and after hearing the petitioner herein within a period of four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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

**JUSTICE A.V.SESHA SAI**

Date: 03.04.2018  
AMD



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