

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 15755 OF 2017

ORDER :

This Writ Petition is filed to declare the action of Respondents 1 to 4 in not considering the complaint of the petitioners, dated 21.11.2016, against the 5th respondent alleging that he had committed fraud and misused the funds of Shivunipally Gram Panchayat, as illegal and arbitrary.

The grievance of the petitioner - Ward Member of the subject gram panchayat, is that based on the complaint submitted by him, the 3rd respondent conducted the inquiry and issued the order dated 18.03.2015 cancelling the cheque powers on the ground that the 5th respondent committed fraud and misused the funds of the gram panchayat, but subsequently, the cheque power was restored on 24.08.2015. Thereafter, the 5th respondent further withdrew the amounts of gram panchayat without having any reason and misused the funds. Hence, it is stated, the petitioner made a complaint to the 2nd respondent District Collector (Panchayat Raj Wing) on 21.11.2016, but till date, neither the same has been attended to nor any action is initiated against the 5th respondent and on the contrary, she was left with only a warning.

Heard learned counsel for the petitioner.

Learned Standing Counsel Sri Narendra Reddy, appearing for the gram panchayat, submits that the complaint made by the petitioner is against the Panchayat Secretary and not against the 5th respondent Sarpanch. While submitting so, the learned Standing Counsel specifically draws the attention of this Court to

the complaint dated 21.11.2016, wherein it was mentioned “Panchayat Secretary, Shivunipalli Gram Panchayat, Station Ghanpur Mandal” has been misusing the funds. He asserts that the 3rd respondent District Panchayat Officer had conducted inquiry into various objections raised by the petitioner and thereafter, had issued the proceedings, dated 24.08.2015, restoring the cheque powers, giving a warning to the Sarpanch not to repeat the mistakes made earlier.

Considered the respective submissions. Here, it may be noted that the petitioner himself had filed the proceedings, dated 24.08.2015, along with the material papers, a perusal of which indicates that the order dated 18.03.2015, issued cancelling the cheque power, was also considered and thereafter only, the 3rd respondent District Panchayat Officer had passed the orders warning the Sarpanch not to repeat the mistakes in future, while restoring the cheque power. The said proceedings, dated 24.08.2015 is not challenged before this Court, though, as contended by the learned counsel for the petitioner, the same is in general terms and did not really address the core issues raised on 18.03.2015.

Inasmuch as the proceedings, dated 24.08.2015 is not challenged and the allegations made in the complaint dated 21.11.2016 being general in nature, the Writ Petition is closed, however, leaving it open to the petitioner to work out his remedies or to take appropriate proceedings, if so advised, in future by airing his actual grievance, furnishing more information and material. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

24th April 2018

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