

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.17360 of 2019

ORDER:

This Writ Petition is filed seeking to issue a writ of *Mandamus* declaring the action of respondent No.2 in suspending the petitioner from the post of Sarpanch of Cherkupally Village, Kethepally Mandal, Nalgonda District, without following the provisions of the Panchayat Raj Act, as illegal and arbitrary.

Heard learned counsel for the petitioner and Sri G.Narender Reddy, learned Standing Counsel appearing for respondent Nos.5 and 6.

Learned Standing Counsel submits that since the petitioner violated Sub-section-(3) of Section 6 of the Panchayat Raj Act, which is a deeming provision, action is taken against him by the Panchayat Raj Officer after conducting an enquiry and based on the enquiry, the show-cause notice was issued and the impugned order was passed.

From a perusal of the impugned order, it is evident that except referring to the explanation dated 18.7.2019 submitted by the petitioner to the show-cause notice, dated 08.7.2019, nothing is mentioned about the same.

Though, no doubt, the impugned order is passed after issuing show-cause notice, but the fact remains that there is no consideration of the explanation filed by the petitioner, which is *prima facie* violation of principles of natural justice.

In view of the same, the impugned proceedings No.1393/2019.BI, dated 31.7.2019, issued by respondent No.2 is set aside, without going into the merits of the case, the Writ Petition is disposed of with a direction to the competent authority to consider the explanation of the petitioner and pass appropriate orders thereon in accordance with law expeditiously, preferably within a period of two weeks from today.

As a sequel, Miscellaneous Petitions, if any, pending shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

14th August, 2019

Note:

Issue CC today.

B/o

dr

