

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.19326 of 2019

ORDER:

This Writ Petition is filed challenging the proceedings vide Rc.No.P2/824/2019, dated 08.08.2019 issued by 3rd respondent suspending the petitioner as Sarpanch of Pangidi of Raghunadhapalem by virtue of powers conferred under Section 37(5) of the Telangana State Panchayat Raj Act, 2018 (for short 'the Act of 2018') for a period of three months with immediate effect, pending enquiry.

Heard learned counsel for the petitioner and learned Government Pleader for Panchayat Raj appearing for respondents 1 to 4.

Learned counsel for the petitioner submits that when the petitioner was issued show-cause notice on 23.06.2019 by invoking Section 37 of the Act of 2018, petitioner submitted explanation on 30.03.2019 to the 3rd respondent stating that he never passed any resolution, but without considering the said aspect, the impugned order was passed, which is in violation of principles of natural justice and without application of mind.

On the other hand, learned Government Pleader for Panchayat Raj submits that when there was a newspaper report stating that the petitioner being the Sarpanch of Pangidi Gram Panchayat passed resolution demanding

amounts from the wine shop owners, a show-cause notice was issued and after considering his explanation, the impugned order was passed and no exception can be taken. She further submits that against the impugned order, the petitioner has alternate remedy, as such, this Writ Petition is not maintainable.

In this case, it is to be seen that when this Court directed the respondents to produce the copy of resolution, alleged to have been passed by the petitioner, no such resolution was produced before the Court with regard to demand of amounts from the wine shop owners. In fact, learned Government Pleader produced a resolution dated 21.09.2019 and she readout the resolution wherein it is stated that the Gram Panchayat has no power to make such demand or take action against wine shop owners. Though petitioner filed explanation, except referring to the same, no reasons are assigned while passing the impugned proceedings. Only basing on the report of the District Prohibition and Excise Officer, the impugned order is passed.

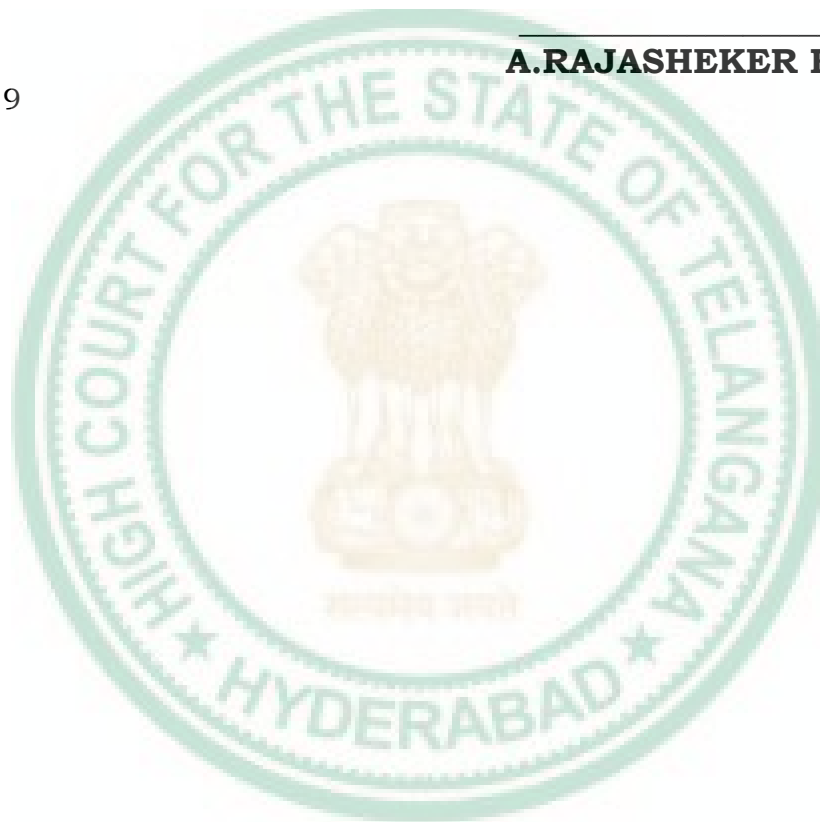
Though learned Government Pleader vehemently contended that the petitioner has alternate remedy against impugned proceedings, it is well settled law that since the impugned proceedings is in violation of principles of natural justice, without reasons, existence of alternate remedy is not a bar for entertaining the writ petition.

In view of above facts and circumstances, the impugned proceedings dated 08.08.2019 issued by the 3rd respondent is set aside.

Accordingly, this Writ Petition is allowed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

13-11-2019
kvs

A.RAJASHEKER REDDY, J



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Date 13.11.2019.

kvs

