

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.24104 of 2019

ORDER:

This Writ Petition is filed challenging the notice dated 08.10.2019 issued by respondent No.2 in Lr.No.A2/1184/2019-Pan, wherein and whereby the petitioner was asked to show cause why he should not be removed from the post of Sarpanch of Raghavapur Gram Panchayat.

Learned counsel for the petitioner stated that the petitioner obtained building permission in March, 2018, and completed the construction even before he assumed the office of Sarpanch. The petitioner has not misused any power as Sarpanch and as such, issuance of show cause notice is not in accordance with Section 37(1) (ii) of the Panchayat Raj Act, since there is no abuse of his powers as Sarpanch.

On the other hand, Sri G.Narender Reddy, learned Standing Counsel for the respondent Gram Panchayat, would submit that the impugned notice is only a show cause notice and the petitioner can file his explanation to the same before respondent No.2.

Ordinarily, this Court will not interfere with the issuance of show cause notice unless the same is without jurisdiction.

It is the case of the petitioner that he has not abused his power or position as Sarpanch. The alleged constructions were made by him prior to his becoming Sarpanch in January, 2019. All these are factual aspects which the petitioner can raise before

respondent No.2 by submitting an explanation to the impugned notice and respondent No.2 will consider the same.

In view of the above, without going into the merits of the case, the Writ Petition is disposed of granting liberty to the petitioner to file his explanation to the impugned notice and respondent No.2 shall consider the same and pass orders in accordance with law.

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

05th November, 2019
dr

A. RAJASHEKER REDDY, J

