

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21736 of 2020

ORDER:

In this writ petition, petitioner challenges the proceedings dated 12.11.2020 purported to have been issued by respondent No.2-District Collector (Panchayat Wing), Ranga Reddy, Office of District Collector, Panchayat Wing, Ranga Reddy District invoking Section 37(5) of the Telangana Panchayat Raj Act, 2018 (for short 'the Act').

Apart from merits, learned counsel for the petitioner brings to the notice of the Court an important legal infirmity in the notice.

There is no dispute that the power to invoke Section 37(5) of the Act vests with the District Collector. In the present case, the impugned proceedings were issued in the name of District Collector, signed by the District Panchayat Officer.

Learned Government Pleader for Panchayat Raj would try to justify stating that the note file was approved by the District Collector, who has delegated the power to issue notice to the District Panchayat Officer.

The above said aspect is liable to be rejected on the simple settled principle that if an Act prescribes a particular thing to be done in a particular manner, the same has to be done in the same manner as prescribed, but not otherwise. Further, the District Panchayat Officer, who is subordinate, is required to assist the District Collector

by sending a report, based on which, the District Collector is required to initiate proceedings and even in that view of the matter also, the delegation of power even assuming the same is permissible, would be ultra vires the provisions of the Act.

In those circumstances, the writ petition is allowed and the impugned proceedings are set aside. However, it is open to the respondent authorities to take action, if any, in accordance with law.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:02.12.2020

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