

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO: 35437 OF 2021

Between:

Sri P. Govardhan Reddy, S/o.Veera Reddy.Age. 32 years, Occ. Upa-Sarpanch,
R/o.Kanukunta Village, Gummadidala Mandal,Sangareddy District (erstwhile Medak
District).

AND

...PETITIONER

1. The State of Telangana, Rep. by its Principal Secretary, Panchayat Raj and Rural Development Department, BRKR Bhavan, Telangana Secretariat, Hyderabad.
2. The Commissioner of PR & RE, Telangana State, Urdu Hall Galli, Himayat Nagar, Hyderabad-500 029.
3. The District Collector (Pt. Wing), Sangareddy District (erstwhile Medak District).
4. The Divisional Panchayat Raj Officer, Sangareddy Division, Sangareddy District (erstwhile Medak District).
5. The Revenue Divisional Officer (Sub-Collector), Sangareddy District (erstwhile Medak District).
6. The Mandal Parishad Development Officer, MPP, Gummadidala, Sangareddy District (erstwhile Medak District).
7. Grampanchayat Kanukunta of Gummadidala Mandal, Rep. by its Panchayat Secretary, Kanukunta Grampanchayat, Gummadidala Mandal, Sangareddy District (erstwhile Medak District)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an order or orders one in the nature of WRIT OF MANDAMUS declaring the illegal action of the respondents more particularly 3rd respondent suspending the petitioner from the post of Upa Sarpanch of Kanukunta, vide impugned order No.2163/2021/A1-Pts-2, dated.16/12/2021, without any valid reasons except local political vengeance and politically motivated and set-aside the same duly declaring it as illegal, arbitrary, unjust, discriminatory, in violation of principles of natural justice, and also in violation of Article 14, 19 & 21 of Constitution of India, contrary to Telangana Panchayath Raj Act, 2018, consequently direct the respondents to continue the petitioner as Upa Sarpanch of Kanukunta Grampanchayat.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the impugned order passed by the Respondent No.3 vide impugned order No.2163/2021/A1-Pts-2, dated.16/12/2021 by continuing the petitioner as Upa-Sarpanch of Grampanchayat Kanukunta Village, Gummandidala Mandal, Sangareddy District, pending disposal of the main writ petition

Counsel for the Petitioner: SRI K. BUCHI BABU

**Counsel for Respondent Nos. 1 to 5: GP FOR PANCHAYAT RAJ
& RURAL DEVELOPMENT**

Counsel for Respondent Nos. 6 & 7: SRI M. RAM GOPAL RAO

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.35437 of 2021

ORDER:

This Writ Petition is filed to declare the action of the respondents, more particularly the 3rd respondent, in suspending the petitioner from holding the post of Upa-Sarpanch of Kanukunta Village, Gummadidala Mandal, Sanga Reddy District, as being illegal, arbitrary and contrary to the provisions of the Telangana Panchayat Raj Act, 2018 (for short, 'the Act').

2. Heard learned counsel for the petitioner, learned Government Pleader appearing for respondent Nos.1 to 5 and Sri M.Ramgopal Rao, learned Standing Counsel appearing for respondent Nos.6 and 7 and with their consent, the Writ Petition is taken up for hearing and disposal at the stage of admission itself.

3. Learned counsel appearing for the parties are *ad idem* that the issue raised in the present writ petition is squarely covered by the judgment of this Court in W.P.No.22618 of 2021 and batch, dated 18.10.2021 and the said order passed by the learned Single Judge has also been affirmed by the Division Bench of this Court in W.A.Nos.610, 586 and 587 of 2021, dated 15.12.2021, whereby it has been held that the provisions of Section 37(5) of the Act are applicable only for suspending the Sarpanch and cannot be invoked for keeping Upa-Sarpanch under suspension.

4. In the facts of the present case, since the petitioner was elected as Upa-Sarpanch, the provisions of Section 37(5) of the Act cannot be invoked for placing him under suspension.

5. In view of the above, the impugned order dated 16.12.2021 passed by the 3rd respondent cannot be held to be valid and is liable to be set aside.

6. Accordingly, the Writ Petition is allowed and the impugned order No.2163/2021/A1-Pts-2, dated 16.12.2021, is set aside.

7. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SD/-M.MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Panchayat Raj and Rural Development Department, State of Telangana BRKR Bhavan, Telangana Secretariat, Hyderabad.
2. The Commissioner of PR & RE., Telangana State, Urdu Hall Galli, Himayat Nagar, Hyderabad-500 029.
3. The District Collector (Pt. Wing), Sangareddy District (erstwhile Medak District).
4. The Divisional Panchayat Raj Officer, Sangareddy Division, Sangareddy District (erstwhile Medak District).
5. The Revenue Divisional Officer (Sub-Collector), Sangareddy District (erstwhile Medak District).
6. The Mandal Parishad Development Officer, MPP, Gummadidala, Sangareddy District (erstwhile Medak District).
7. The Panchayat Secretary, Grampanchayat Kanukunta of Gummadidala Mandal, Rep. by its Panchayat Secretary, Kanukunta Grampanchayat, Gummadidala Mandal, Sangareddy District (erstwhile Medak District).
8. One CC to Sri K Buchi Babu Advocate [OPUC]
9. Two CCs to GP For Panchayat Raj & Rural Development, High Court for the State of Telangana. [OUT]
10. One CC to Sri M. Ramgopal Rao, Advocate (OPUC)
11. Two CD Copies
12. One Spare Copy

MBC

SW

HIGH COURT

DATED: 31/12/2021



ORDER

WP.No.35437 of 2021

ALLOWING THE WRIT PETITION

WITHOUT COSTS

14
Cm
03/01/2022