

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 10850 OF 2010

Between:

Gollapalli Rama Goud, S/o.Chinnarajam, age 43 years, Occ: MPTC Member,
Mandal Parishad, Mallapur R/o. Mutyampet Village, Mandal: Mallapur,
Karimnagar District Andhra Pradesh.

...PETITIONER

AND

1. The Secretary, Panchayat Raj Department, Government of Andhra Pradesh, secretariat Buildings, Hyderabad.
2. The Collector, Karimnagar District Collector Office, Karimnagar (A.P.)
3. The Chief Executive Officer, Zilla Parishad, Karimnagar, Karimnagar District.
4. Mandal Parishad Development Officer, Mandal Parishad, Mallapur, District Karimnagar (AP)
5. Nalla Rajanna, S/o.late Linganna, age 45 years, President, Mandal Parishad Mallapur Mandal Parishad Office, Mallapur, Dist: Karimnagar.
6. Mr.Ganta Venkat Narhari, S/o not known age: Major, Occ: Govt. employee C/o. Zilla Praja Parishad, Karimnagar.
7. Mr.K.Laxminarayan, S/o and age not known, Occ: Govt. employee, Superintendent, Zilla Praja Parishad, Karimnagar.

...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 issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring:

- i) the malfeasance and misfeasance and fraud by abuse of power by the respondent No.5 in connivance and collusion with the respondent Nos. 6 and 7, as illegal and contrary to the provisions and objects of the Panchayat Raj Act.

- ii) ii) the action on the part of the respondent No.1 in not initiating the enquiry and the investigation into the illegalities of fraud and abuse of power by the respondent No.5, in spite of the representation made by the petitioner and other M.P.T.C. members, as illegal and contrary to section 249(1) of the Panchayat Raj Act.
- iii) and direct the respondent No.1 to order an enquiry and investigation against the respondent No.5 into the illegalities of fraud, malfeasance and misfeasance by abuse of power
- iv) and direct the respondent No.1 to cancel the resolutions passed by the respondent No.5 approving the proposals for the year 2010-2011, for the deployment of funds of the Mandal under the various schemes.
- v) and direct the respondent No.2 to initiate appropriate proceedings and take action against the respondent Nos. 6 and 7 for the illegalities of fraud committed by them in collusion with respondent No.5

I.A. NO: 3 OF 2010(WPMP. NO: 13873 OF 2010)

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 respondent No.5 from the office of the President of the Mandal Parishad, Mallapur, Karimnagar District, by exercise of power under Section 249(6) of the Panchayat Raj Act, by ordering an enquiry and investigation under Section 249(1) of the A.P. Panchayat Raj Act, pending disposal of the above writ petition.

I.A. NO: 1 OF 2010(WPMP. NO: 13871 OF 2010)

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 resolutions passed by the Mandal Parishad, Mallapur, approving the proposal for the year 2010-2011, for deployment of funds of the Mallapur Mandal, in exercise of powers conferred under section 246(3) of the Panchayat Raj Act, pending disposal of the above writ petition

I.A. NO: 2 OF 2010(WPMP. NO: 13872 OF 2010)

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 direct the respondent No.4 not to disburse the funds to the contractor in respect of the funds of the Mandal Parishad, Mallapur, Karimnagar District for the year 2008-2009 and 2009-2010, pending disposal of the above writ petition

Counsel for the Petitioner: SRI NARAYAN LAXMAN RAO

Counsel for the Respondent Nos. 1 to 4: GP FOR PANCHAYAT RAJ & RURAL DEV

Counsel for the Respondent Nos.5 to 7: None appeared

The Court made the following: ORDER

HON'BLE SRI JUSTICE C. V. BHASKAR REDDY

WRIT PETITION No.10850 of 2010

ORDER:

The writ petition has been filed praying this Court to declare action of the respondents in not initiating action against respondent Nos.5 to 7 for their malfeasance and misfeasance in abusing their power as public representatives and further prayed to conduct investigation into the illegalities and fraud played by respondent Nos.5 to 7 in deployment of funds under various schemes.

2. This writ petition is pending since 2010 and no counter affidavit has been filed.

3. Admittedly, the respondents in this case are public representatives who were elected for a period of five years in the year 2010. The elected period has been expired long back. During their tenure, no action has initiated by the authorities for conducting any enquiry

under the provisions of Section 249(1) of the Andhra Pradesh Panchayat Raj Act, 1994 for misappropriation of amounts.

4. Since the cause in the present writ petition no more survives, this writ petition is dismissed as infructuous. However, petitioner is given liberty, in the event any cause survives in the writ petition, to seek revival of the same in accordance with law. There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any pending in the Writ Petition, shall also stand closed.

SD/-G.SIREESHA
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,
1. One CC to SRI. NARAYAN LAXMAN RAO Advocate [OPUC]
2. Two CCs to GP FOR PANCHAYAT RAJ & RURAL DEV. High Court for the State of Telangana at Hyderabad [OUT]
3. Two CD Copies
KKS
SW

HIGH COURT

DATED:15/03/2023

ORDER

WP.No.10850 of 2010



**DISMISSING OF THE WP
AS INFRACTUOUS
WITHOUT COSTS**