



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

Bench
Sr.Nos:-
79 & 80
[3614]

**WRIT PETITION NO: 20127 of 2011 along with
W.P.No.30863 of 2010**

W.P.No.20127 of 2011:

M. Venkata Ramana

...Petitioner

Vs.

The Government of Andhra Pradesh and others

...Respondents

**CORAM : THE CHIEF JUSTICE LISA GILL
SRI JUSTICE BALAJI MEDAMALLI**

DATE : 4th August 2026

Present:

Advocate for Petitioner : Ms. K. Renu Chakravarthy
appearing vice Mr. Kumar Marpu

Advocates for Respondents : GP for Revenue
GP for Panchayat Raj & Rural Development

LISA GILL, CJ.

Both writ petitions are taken up together for hearing and adjudication, at request and with consent of learned counsel for parties, as subject matter is intrinsically connected.

2. Brief facts necessary for adjudication of both these writ petitions are that – a complaint was statedly lodged before District Collector against

petitioner alleging misappropriation of an amount of Rs.3,43,790/- from Gram Panchayat funds. Thereafter, a complaint was instituted before learned Lokayukta (Complaint No.668/2008/B2) complaining of inaction on the part of District Collector. In furtherance to directions issued by learned Lokayukta, District Collector, Srikakulam, is stated to have directed recovery of amount. It is case of petitioner that he was not aware of complaint so filed, neither was any notice issued to him, nor any enquiry conducted. It is upon directions given by learned Lokayukta, recovery proceedings were initiated; order dated 22.10.2010 was passed by learned Lokayukta taking note of fax report dated 20.10.2010 submitted by Collector, Srikakulam, stating that Tahsildar, Veeraghattam, and Revenue Divisional Officer, Palakonda, to whom the matter was referred, reported that they have recovered an amount of Rs.10,000/- from total sum of Rs.3,43,790/- from petitioner and some time was sought to recover balance amount. Pursuant thereto, Collector, Srikakulam, directed Tahsildar, Veeraghattam, vide D.O.Rc.No.1763/2009 dated 16.11.2010 to recover entire amount due from petitioner and send his report by 15.12.2010.

3. Petitioner then filed W.P.No.30683 of 2010 in December 2010 with following prayer:

“..... this Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the proceedings issued by the 1st respondent vide DO Rc.No.1763/2009-D2 dated 16.11.2010 as illegal, arbitrary, untenable, unjust, contrary to the provisions of the Revenue Recovery Act, without notice and violative of

Articles 14 and 21 of the Constitution of India and consequently set aside the same....”

4. Division Bench of this Court on 08.12.2010 directed that, *“pending further orders, the respondents shall not recover any part of the amount allegedly due from the petitioner in pursuance of the impugned order dated 16.11.2010 of respondent No.1 unless due procedure under the provisions of the Andhra Pradesh Panchayat Raj Act, 1994, has been followed”.*

5. It is the case of petitioner that despite interim order dated 08.12.2010 passed in W.P.No.30863 of 2010, Divisional Panchayat Officer, Palakonda, issued Form No.4 i.e. ‘Demand prior to Attachment of Land’ mentioning particulars of land in question and directed petitioner to pay amount due within fifteen days from date of receipt of said notice; or else auction would be conducted on 16.07.2011. Petitioner, it is stated, was constrained to file W.P.No.20127 of 2011 challenging said proceedings. Learned Lokayukta was also impleaded as party therein. Following prayer was addressed:

“..... this Hon’ble Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Certiorari calling for the records relating to and connected with the complaint No.668/2008/B2 on the file of the 2nd respondent and Form No.4 Demand prior to Attachment of Land dated 17.05.2011 and the Auction Notice of the 5th respondent as illegal, arbitrary, unjust, unconstitutional, violative of principles of natural justice, contrary to Articles 14 and 21 of the Constitution of India and violative of

Andhra Pradesh Lokayukta Act, 1983, and the Andhra Pradesh Panchayat Raj Act, 1994, and quash and set aside the same and pass....”

6. Petitioner's specific case is that entire action has been taken by authorities de hors the procedure mandated under Andhra Pradesh Panchayat Raj Act, 1994, or Andhra Pradesh Revenue Recovery Act, 1864, merely on directions of learned Lokayukta, which is not permissible. It was further contended that petitioner had never been associated with any enquiry nor was he associated with proceedings of learned Lokayukta, therefore, entire proceedings be set aside. It was thus prayed that both writ petitions be allowed as prayed for.

7. Learned counsel for respondents has refuted averments and dismissal of writ petitions is sought.

8. We heard learned counsel for parties and have perused files.

9. Learned counsel for respondents are unable to deny that entire action which has been initiated against petitioner for recovery of amount in question is on the basis of an enquiry which was conducted pursuant to complaint filed before learned Lokayukta. Reference has been made to report dated 20.01.2007 submitted by Extension Officer, Panchayat Raj and Rural Development, Veeraghattam, wherein it is stated that an amount of Rs.3,16,766/- in cash and rice worth value of Rs.27,024/- under various heads are pending as advance in the hand of petitioner. Statedly show cause notice dated 12.02.2007 was then issued to petitioner. Perusal of said show cause

notice reveals that it is categorically mentioned therein that it is proved that amount drawn, rice allotted were misutilized as reported by Divisional Panchayat Officer, Palakonda, and Panchayat Extension Officer, Veeraghattam. It was thus directed that an amount of Rs.3,43,790/- should be remitted to Gram Panchayat funds through Challan within a week, failing which action would be taken to recover said misutilized amount by prosecution under Section 271(a) of A.P.P.R. Act, 1994. On a pointed query whether any notice whatsoever had ever been given prior to said 'show cause notice', wherein the guilt is stated to be proved, the answer by learned counsel for State is in the negative.

10. Perusal of file further reveals that an amount of Rs.4,000/- was recovered from petitioner by auctioning his yield of cashew tope. Another sum of Rs.10,000/- was also recovered. Learned counsel for respondents was unable to point out that the applicable provisions of law under which said recovery effected.

11. We have perused order dated 14.09.2009 passed by Collector, Srikakulam, attached with counter filed on behalf of respondent No.4 in W.P.No.20127 of 2011, wherein reference is made by Collector, Srikakulam, to orders passed for recovery of amount in question; and direction was issued to Tahsildar, Veeraghattam, to collect the defaulted amount and submit his report. However, there is again no indication as to observance of or

adherence to proper procedure or any basis for arriving at the conclusion of petitioner having defaulted or of misutilization of amount in question.

12. As per communication dated 20.01.2010 of R.D.O., Palakonda, to Collector, Srikakulam, there is a mention that subsequently a report was submitted to Collector on 27.02.2009 after joint inspection conducted by Divisional Panchayat Officer and Mandal Engineering Officer, whereby it was found that some of the works had been carried out by petitioner and that necessary computations should be carried out to undertake whether, after adjustment, amount if any due is to be recovered. Said report is not on record and neither available with learned counsel for respondents.

13. Keeping in view facts and circumstances as above, it is apparent that action of respondents in affecting recoveries from petitioner in the manner as above is not sustainable and is therefore set aside. In normal course, we would have afforded liberty to respondents to take necessary action against petitioner in accordance with law, however, it is brought to our notice by learned counsel for respondents that petitioner has since passed away on 17.06.2021. Photocopy of his death certificate dated 05.07.2021 has been furnished in Court today.

14. In the given peculiar facts and circumstances, we deem it appropriate not to afford such liberty, specially keeping in view the fact that amount involved as demanded is not a princely amount and, in fact, in view of communication dated 20.01.2010, it is apparent that it is probably not even a

sum of Rs.3,43,790/- which may be due, as admittedly some work had been executed by petitioner. Hence, we direct that in order to dispense complete and effective justice, said proceedings be closed. It is clarified that this order shall not be treated to be a precedent.

15. Writ Petitions are accordingly allowed. No costs.

Consequently, connected miscellaneous applications, if any, shall stand disposed of.

LISA GILL, CJ

BALAJI MEDAMALLI, J

Whether the order is Speaking/Reasoned : Yes

Whether the order is Reportable : Yes / No

kbs

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**HON'BLE MRS. JUSTICE LISA GILL, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE BALAJI MEDAMALLI**

**W.P.No.20127 of 2011 along with
W.P.No.30863 of 2010**

Dt: 04.08.2026

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