

APHC010652202025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3332]

FRIDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

**PRESENT
THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI**

WRIT PETITION NO: 33807/2025

Between:

- 1.KAMIREDDY VENKATA NARASIMHA RAO,, S/O. NAGA VENKATA ANANDA BABU, AGED ABOUT 35 YEARS, OCC SARPANCH, SRIRAMAVARAM GRAM PANCHAYAT, R/O. H.NO. 1-5, SRIRAMAVARAM VILLAGE, DENDULURU MANDAL, ELURU DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI VILLAGE, TULLUR MANDAL, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTORP W, ELURU DISTRICT, ELURU.
3. THE COMMISSIONER, PANCHAYAT RAJ AND RURAL DEVELOPMENT, ABUTTING TO SERVICE ROAD OF NH-16, TADEPALLI, TADEPALLI MANDAL, GUNTUR DISTRICT.
4. THE DISTRICT PANCHAYAT OFFICER, ELURU DISTRICT, ELURU.
5. THE DIVISINAL PANCHAYAT OFFICER, ELURU, ELURU DISTRICT.
6. THE MANDAL PARISHAD DEVELOPMENT OFFICER, DENDULURU MANDAL, DENDULURU, ELURU DISTRICT.
7. THE SRIRAMAVARAM GRAM PANCHAYAT, REP. BY ITS PANCHAYAT SECRETARY, DENDULURU MANDAL, ELURU DISTRICT.
8. THE TAHSILDAR, DENDULURU MANDAL, DENDULURU, ELURU DISTRICT.
9. THE SUPERINTENDENT OF POLICE, ELURU DISTRICT, ELURU.

10. THE STATION HOUSE OFFICER, DENDULURU POLICE STATION,
DENDULURU, ELURU DISTRICT.

...RESPONDENT(S):

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 order or orders more particularly one in the nature of writ of Mandamus declaring the Proceedings No.e-81069/A3/2024 dated 05.11.2025, issued by the 2nd respondent, directing the petitioner to remit the alleged misappropriated amount of Rs.4,46,481/- to the 7th respondent, failing which the 8th respondent is authorized to recover the alleged misappropriated amount from the petitioner as per the provisions of the Revenue Recovery Act, is contrary to Section 265 of the Andhra Pradesh Panchayat Raj Act, 1994, violation of the principles of natural justice and violation of Article 14 and 243 of the Constitution of India and consequently to set aside the Proceedings No.e-81069/A3/2024 dated 05.11.2025, issued by the 2nd respondent directing the petitioner to remit the alleged misappropriated amount of Rs.4,46,481/- to the 7th respondent, failing which the 8th respondent is authorized to recover the alleged misappropriated amount from the petitioner as per the provisions of the Revenue Recovery Act, is contrary to Section 265 of the Andhra Pradesh Panchayat Raj Act, 1994

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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 Proceedings No.e-81069/A3/2024 dated 05.11.2025, issued by the 2nd respondent directing the petitioner to remit the alleged misappropriated amount of Rs.4,46,481/- to the 7th respondent, failing which the 8th respondent is authorized to recover the alleged misappropriated amount from the petitioner as per the provisions of the Revenue Recovery Act pending disposal of the above writ petition

Counsel for the Petitioner:

1. MADHAVA RAO NALLURI

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV

2. GP FOR HOME

3. GP FOR REVENUE

The Court made the following:

Impugning the proceedings No.e-81069/A3/2024 dated 05.11.2025 issued by respondent No.2 directing the petitioner to remit the alleged misappropriated amount of Rs.4,46,481/- to respondent No.7 failing which respondent No.8 is authorized to recover the alleged misappropriated amount from the petitioner, the present Writ Petition has been filed.

2. Heard Sri N.Madhavarao, learned counsel for the petitioner, Sri Ramarao Kochiri, learned Government Pleader for Panchayat Raj Department, Sri Chandra Sekhar, learned Assistant Government Pleader for Revenue and Sri Y.Koteswararao, learned standing counsel for Gram Panchayat.

3. Learned counsel for the petitioner, in elaboration to what has been stated in the affidavit, contended that the petitioner is the Sarpanch of Sriramavaram Gram Panchayat. Based on certain false complaints, an enquiry was ordered against the petitioner, but no proper enquiry was conducted in accordance with law. Respondent No.5 submitted a false and fabricated report alleging misappropriation of Rs.4,46,481/- under various heads without issuing any notice to the petitioner, without affording him an opportunity of hearing, and without verifying records. The report was prepared behind the back of the petitioner and in gross violation of the principles of natural justice. He further submitted that basing solely on the said report, the respondent No.2 issued a show-cause notice dated 26.12.2024, to which the petitioner submitted a detailed explanation dated 15.03.2025 denying all allegations of

misappropriation. However, without considering the explanation, the respondent authorities proceeded further. He further contended that meetings of the Gram Panchayat could not be held due to deliberate obstruction and law-and-order issues created by the complainants. However, the District Panchayat Officer issued proceedings dated 11.07.2025, as if the meetings were held and the petitioner was absent. On that basis, the petitioner was declared ineligible to continue as a Sarpanch. Thereafter the petitioner submitted an appeal to the Gram Panchayat. Thereafter, respondent No.4 issued proceedings dated 20.05.2025 through which the cheque drawing power of the petitioner was withdrawn. Aggrieved by the same, the petitioner preferred an appeal before respondent No.2 and the same was rejected vide proceedings dated 23.10.2025. Pursuant to the same respondent No.2 issued the impugned proceedings dated 05.11.2025 directing the petitioner to remit the alleged misappropriated amount as per the provisions of the Revenue Recovery Act. If the said proceedings are continued to subsists, it affects the rights of the petitioner, as such prayed to allow the Writ Petition setting aside the impugned proceedings dated 05.11.2025.

4. On the other hand, learned Government Pleader for Panchayat Raj Department, contended that there is neither illegality nor procedural irregularity in issuing the impugned proceedings. He further contended that basing on a complaint received from certain individuals, dated 19.09.2024 duly alleging that funds of Gram Panchayat were misappropriated for the financial year 2023-24, a preliminary enquiry was conducted to find out the veracity of the complaint

and noticed certain misappropriation of funds took place. Based on the report of the Divisional Panchayat Officer, dated 09.11.2024, a show cause notice was issued to the petitioner, calling for his explanation and thereafter the impugned proceedings were issued. If the petitioner has any grievance against the impugned proceedings, he has to file an appeal before respondent No.1. When an alternative remedy of appeal is available, invoking jurisdiction of this Court under Article 226 of the Constitution of India does not arise. Hence, the Writ Petition has to be dismissed at the admission stage even without inviting counter.

5. In reply, learned counsel for the petitioner submitted that when there is a clear violation of principles of natural justice, the existence of an alternative remedy of appeal does not operate as a bar for filing a writ petition. As stated, the entire action is based on the report of the Divisional Panchayat Officer, who conducted the enquiry behind the back of the petitioner, which by itself amounts to violation of principles of natural justice. In the said circumstances, even if an appeal is preferred before respondent No.1, it would be a futile exercise. In support of his contention, he relied on the orders of the Telangana High Court in Writ Petition No.23036 of 2008 and also the judgment of the Coordinate Bench of this Court in Writ Petition No.9972 of 2021.

6. Perused the record and considered the submissions made by learned counsel for the parties.

7. As could be culled out from the facts and submissions made by learned counsel for the parties, basing on a complaint given by certain individuals

alleging that the Gram Panchayat funds were misappropriated by the Sarpanch and the then Panchayat Secretary for the financial years 2020-21, 2021-22 and 2023-24, a preliminary enquiry was conducted by the Divisional Panchayat Officer and submitted his report *vide* Rc.No.638/2024/A4 dated 09.12.2024 holding that there is some financial irregularities and misappropriation of funds. Basing on the said report, a show cause notice has been issued to the petitioner *vide* No.81069/2024/A3 dated 26.12.2024, for which the petitioner submitted his explanation/representation dated 15.03.2025. Thereafter respondent No.2 issued the impugned proceedings. Assailing the said proceedings, the present Writ Petition has been filed mainly on the ground of violation of principles of natural justice. The sole ground that has been advanced by the petitioner is that the Divisional Panchayat Officer enquired into the complaint made against the petitioner and submitted a report and the said report is behind the back of the petitioner and based on the said report, the impugned proceedings were issued. In the said circumstances, the impugned proceedings has been passed in clear violation of principles of natural justice.

8. As could be noticed, based on a complaint received from certain individuals, a preliminary report was sought to ascertain the veracity of the complaint. Accordingly, the Divisional Panchayat Officer, after verifying the records, observed that certain misappropriation had taken place and brought the same to the notice of the higher authorities. Based on the preliminary report, an enquiry appears to have been initiated. The petitioner cannot contend that the impugned proceedings were passed in clear violation of the principles of

natural justice, however, it can be contended that the report was submitted by the Divisional Panchayat Officer is in violation of principles of natural justice. The order relied upon by learned counsel for the petitioner in Writ Petition No.23036 of 2008 relates to a case in which the parties had preferred an appeal before the appellate authority, respondent No.1 therein and thereafter approached the High Court. In that case, the High Court observed that there was a violation of principles of natural justice and accordingly interfered. In fact, the said order is not helpful to the petitioner in the present case. In another judgment relied upon by learned counsel for the petitioner in W.P.No.9972 of 2021 relates to a case in which without issuing the show cause notice and not following the due procedure established under law, the impugned proceedings therein has been issued, as such, the said order is also not helpful to the petitioner.

9. The High Courts will not entertain a petition under Article 226 of the Constitution, if an effective alternative remedy is available to the aggrieved person or the statute under which the action complained of has been taken itself contains a mechanism for redressal of grievance still holds the field. Therefore, when a statutory forum is created by law for redressal of grievances, a writ petition should not be entertained ignoring the statutory dispensation.

10. Taking the submissions of both the learned counsel into consideration, since an efficacious alternative remedy of appeal is available to the petitioner, this Court, under Article 226 of the Constitution of India, is not inclined to go into

the merits of this case. Hence, this Court is inclined to dispose of the Writ Petition at the admission stage itself even without inviting counter.

11. Accordingly, the Writ Petition is disposed of giving liberty to the petitioner to invoke the alternative remedy of appeal before the appropriate forum in accordance with law. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any in the Writ Petition, shall also stand closed.

JUSTICE RAVI CHEEMALAPATI

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THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.33807 OF 2025

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