

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

WRIT PETITION NO: 4715 of 2026

MANDALA RAJESHWARI, W/O. Y.VENKATA SESHIAIAH,
AGED ABOUT 34 YEARS, OCC SARPANCH,
VENKATACHALAM GRAM PANCHAYAT ,
R/O.VENKATACHALAM VILLAGE AND MANDAL,
S.P.S.RNELLORE DISTRICT.

... Petitioner

Versus

THE STATE OF ANDHRA PRADESH, REP BY ITS
PRINCIPAL SECRETARY TO GOVERNMENT,
PANCHAYAT RAJ AND RURAL DEVELOPMENT
DEPARTMENT, SECRETARIAT BUILDINGS, AMARAVATI,
GUNTUR DISTRICT, 522237 AND OTHERS

... Respondents

DATE OF ORDER PRONOUNCED : **18.02.2026**

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

1. Whether Reporters of Local Newspapers
may be allowed to see the order? : Yes/No
2. Whether the copy of order may be
marked to Law Reporters/Journals? : Yes/No
3. Whether His Lordship wish to
see the fair copy of the order? : Yes/No

SUBBA REDDY SATTI, J

*** HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

WRIT PETITION NO: 4715 OF 2026

% 18.02.2026

Writ Petition No. 24152 of 2025

MANDALA RAJESHWARI, W/O. Y.VENKATA SETHAIAH,
AGED ABOUT 34 YEARS, OCC SARPANCH,
VENKATACHALAM GRAM PANCHAYAT ,
R/O.VENKATACHALAM VILLAGE AND MANDAL,
S.P.S.RNELLORE DISTRICT.

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THE STATE OF ANDHRA PRADESH, REP BY ITS
PRINCIPAL SECRETARY TO GOVERNMENT,
PANCHAYAT RAJ AND RURAL DEVELOPMENT
DEPARTMENT, SECRETARIAT BUILDINGS, AMARAVATI,
GUNTUR DISTRICT, 522237 AND OTHERS

... Respondents

! Counsel for Petitioner : Sri B.Sesi Bushan Rao, learned counsel
for the petitioner

^ Counsel for Respondents : P.Rajesh Kumar, learned Assistant
Government Pleader for Panchayat Raj
and Rural Development

< Gist:

> Head Note:

? Cases referred:

- 1) (2024) 11 S.C.R. 2362
- 2) (1988) 4 SCC 534 : AIR 1988 SC 2181
- 3) 2025 SCC Online SC 556
- 4) (1993) 4 SCC 727
- 5) (2010) 2 SCC 772
- 6) 1998 (8) SCC 1
- 7) (2016) 11 SCC 31
- 8) (2002) 4 SCC 638
- 9) AIR 1955 SC 233

This Court made the following:

APHC010082972026



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

[3331]

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 4715/2026

Between:

1.MANDALA RAJESHWARI, W/O. Y.VENKATA SESHIAIAH, AGED ABOUT 34 YEARS, OCC SARPANCH, VENKATACHALAM GRAM PANCHAYAT , R/O.VENKATACHALAM VILLAGE AND MANDAL, S.P.S.RNELLORE DISTRICT.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIAT BUILDINGS, AMARAVATI, GUNTUR DISTRICT, 522237
- 2.THE DISTRICT COLLECTOR, SPSR NELLORE DISTRICT, ATNELLORE. 524001
- 3.THE DISTRICT PANCHAYAT OFFICER, SPSR NELLORE DISTRICT, AT NELLORE.

...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 appropriate Writ Order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the Orders passed by Respondent No.2 in ROC.No.5299/2024-AI, dated 12.01.2026 as illegal, arbitrary and violative of Article 14 of the Constitution of India as well as being in utter violation of Principles of Natural Justice

consequentially set aside the said order and further direct the Respondents to- allow the Petitioner to perform her duties as Sarpanch and pass

IA NO: 1 OF 2026

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 Order passed by the Respondent No.2 in ROC.No.5299/2024-A1, dated 12.01.2026 issued by the Respondent No.2 and pass

Counsel for the Petitioner:

1.B SESIBUSHAN RAO

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following:

::ORDER::

Heard Sri B.Sesibushan Rao, learned counsel for the petitioner and Sri P.Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj and Rural Development.

2. The above writ petition was filed impugning the proceedings issued by the 2nd respondent *vide* ROC.No.5299/2024-A1 dated 12.02.2026 (Ex.P7), whereby the petitioner was removed permanently as Sarpanch of Venkatachalam Gram Panchayat, as illegal and arbitrary.

3. Learned counsel for the petitioner would contend that the order passed by the 2nd respondent suffers from violation of the principles of Natural Justice. The petitioner attended the office of the 2nd respondent on 11.02.2026 and sought time. The 2nd respondent agreed, however, and passed the order impugned. He would further submit that the 2nd respondent has not recorded any independent finding, vis-à-vis, the allegations of misappropriation of funds

against the petitioner. Learned counsel relied upon the judgment of the Apex Court in ***Sonam Lakra vs. State of Chhattisgarh and others***¹.

4. On the other hand, the learned Assistant Government Pleader, while reporting no counter, would submit that the petitioner, without availing of the effective alternative remedy provided under Section 249-B(6) of the Andhra Pradesh Panchayat Raj Act, 1994, filed the above writ petition and hence the writ petition is liable to be dismissed. He would further submit that the petitioner failed to attend the inquiry despite the notice served by the District Collector, and the same was recorded in the impugned proceedings dated 12.01.2026 (Ex.P7). He would further point out that the District Collector recorded independent findings regarding the misappropriation of funds by the petitioner and passed an appropriate order.

5. In reply, learned counsel for the petitioner would contend that the petitioner appeared before the 2nd respondent and informed about the filing of the writ petition challenging the notice dated 09.02.2026 and requested an adjournment, and the 2nd respondent agreed to consider the same.

6. Since both the learned counsel argued the writ petition on merits, and the learned Assistant Government Pleader reported no counter, this court inclines to pass orders in the main writ petition.

7. **The point for consideration is:**

Whether the proceedings impugned dated 12.01.2026 (Ex.P7), are legally sustainable or warrant interference?

8. Shorn of all details, there is no dispute that the petitioner was elected as Sarpanch of Venkatachalam during the year 2021. The cheque drawing power of the petitioner was suspended by proceedings *vide* ROC No. 5299/2024-A1, dated 24.09.2025. Later, the petitioner was suspended from the post of Sarpanch *vide* proceedings ROC No. 5299/2024-A1 dated 23.10.2025. The

¹ (2024) 11 S.C.R. 2362

petitioner filed W.P. 30921 of 2025 and the same was disposed of on 26.11.2025, directing the District Collector to conclude the enquiry and pass final orders within four weeks from the date of the order, and if no orders are passed, the proceedings dated 23.12.2025 would be suspended. Since the enquiry was not completed, the suspension order ceased to exist, and the petitioner resumed her office.

9. Later, the 3rd respondent issued a notice dated 08.01.2026 (Ex.P2) and directed the petitioner to attend the office on 12.01.2026 at 3 P.M. and to submit documents, if any, relating to misappropriation of funds. According to the petitioner, she attended the office on 12.01.2026 and sought time and requested to furnish copies of relevant records. The 2nd respondent issued a show cause notice dated 12.01.2026, Ex. P1. Assailing the show cause notice, Ex. P1, the petitioner filed W.P. No. 2053 of 2026. The writ petition was disposed of on 30.01.2026. The operative portion of the order reads as follows:

“The petitioner shall make a representation to the District Collector, 2nd respondent in two (02) days from today, requesting the 2nd respondent to furnish the requisite documents.

The District Collector-2nd respondent shall consider the said request and furnish the documents, strictly in accordance with the Rules, within three (03) days thereafter, enabling the petitioner to submit a proper explanation.

Thereafter, the petitioner shall submit her explanation in three (03) days. In the peculiar facts of this case, this Court is fixing three days 7 time since the petitioner is already aware of the allegations against her as per Ex.P1.

The District Collector-2nd respondent shall thereafter consider the explanation and pass appropriate orders, strictly as per the provisions of Andhra Pradesh Panchayat Raj Act, 1994 and the Rules made thereunder.”

10. Thereafter, the petitioner requested to furnish a copy of the report vide Roc No. 5299/2024-A1, dated 12.01.2026 (Ex.P4). After receiving the report,

the petitioner submitted an explanation dated 04.02.2026 (Ex.P5) and thereafter, the notice *vide* Roc No. 5299/2024-A1 dated 09.02.2026 was issued by the office of the 2nd respondent to attend the enquiry (personal hearing) on 11.02.2026 (Ex.P6).

11. At this juncture, the petitioner filed W.P.No.4188 of 2026 on 10.02.2026, challenging the invocation of Section 249 of Andhra Pradesh Panchayat Raj Act, 1994 as arbitrary and consequently to set aside Ex.P2 and Ex.P6. The writ petition was listed on 13.02.2026 and was adjourned due to the submission made by the learned counsel for the petitioner that the 2nd respondent passed the order, Ex.P7 impugned in the writ petition. Later, the writ petition was dismissed as infructuous. Thereafter, the present writ petition was filed on 16.02.2026.

12. In the backdrop of the events referred to supra, let this Court examine the contention of the learned counsel that the petitioner attended the office of the 2nd respondent on 11.02.2026 and requested an adjournment, and the 2nd respondent, in turn, agreed to consider it need to be scrutinized.

13. In the proceedings impugned dated 12.02.2026 (Ex.P7), it was specifically recorded that the petitioner failed to appear on 11.02.2026. Thus, the petitioner is aware of the finding recorded by the authority, vis-à-vis, her absence, despite the service of notice. In such a scenario, the petitioner must explain comprehensively in the affidavit regarding her visiting the office and the request. In para 7 of the affidavit, it was averred as follows:

*“ it is submitted that the respondent no.2 issued a notice directing the petitioner to appear before him on 11.02.2026 at 1 pm vide latter Roc No. 5299/2024-A1 dated 09.02.2026 (served on 10.02.2026), the recital of the notice states that because petitioner denied the charges, they are deemed to have been proved consequently respondent no.2 intends to take action under Sec 249-B of AP Panchayat Raj Act 1994. **Since the respondent no.2 has already asserted that the allegations are proved, requiring the petitioner is merely a useless formality;** however, the petitioner appeared before the*

respondent as scheduled, informed him of W.P. challenging the notice dated 09.02.2026----- (emphasis is mine)."

14. One should not be oblivious of the importance of pleadings in a writ petition. Pleadings, even in a writ petition, play a vital role. While pointing out the importance of pleadings, the Hon'ble Apex Court in **Bharat Singh vs. State of Haryana**², observed as follows:

"13. ... where a point which is ostensibly a point of law is required to be substantiated by facts, the party raising the point, if he is the writ petitioner, must plead and prove such facts by evidence which must appear from the writ petition and if he is the respondent, from the counter affidavit. If the facts are not pleaded or the evidence in support of such facts is not annexed to the writ petition or to the counter affidavit as the case may be, the Court will not entertain the point. There is a distinction between a pleading under the Civil procedure code and a writ petition of a counter affidavit. While in a pleading, that a point or a written statement, the facts and no evidence are required to be pleaded, in a writ petition or in the counter affidavit not only the facts but also the evidence in proof of such facts have to be pleaded and annexed to it."

15. The W.P.No.2053 of 2026 filed by the petitioner was disposed of, as indicated supra, by setting out timelines. The petitioner filed W.P.No.4188 of 2026 challenging the invocation of Section 249 of Andhra Pradesh Panchayat Raj Act, 1994 and consequential relief to set aside the show cause notice dated 12.01.2026 (Ex.P1) and other notice dated 09.02.2026(Ex.P7). As pleaded in para 7 of the affidavit, the petitioner did not challenge the validity of Ex.P7. The challenge is different. The challenge to Ex.P7 is consequential. Thus, the facts and circumstances demonstrate that the petitioner failed to attend the office of the 2nd respondent and participated in the enquiry (personal hearing) on 11.02.2026. In other words, since the petitioner opined that the 2nd respondent already concluded against her, the petitioner did not attend the office of the 2nd respondent. Thus, the 2nd respondent did not violate the Audi Alterum Partum, a species of the principles of natural justice.

² (1988) 4 SCC 534 : AIR 1988 SC 2181

16. The petitioner, in the considered opinion of this court, approached this court with unclean hands vis-à-vis attending the office on 11.02.2026. Since, the petitioner approached the Court with unclean hands, she is not entitled to the equitable and discretionary relief envisaged under Article 226 of the Constitution of India. This Court fortified its conclusion in view of the authoritative pronouncements by the Apex Court.

17. The Hon'ble Apex court in the case of **Auroville Foundation vs. Natasha Storey**,³ held that:

“9. It is no more res integra that the Doctrine of “Clean hands and non-suppression of material facts” is applicable with full force to every proceedings before any judicial forum. The party invoking extraordinary jurisdiction of the High Court under Article 226 of the Constitution of India must come with clean hands and disclose all correct and material facts in his Writ Petition. If it is brought to the notice of the Court that the petition has been guilty of suppression of material and relevant facts or has not come with clean hands, such conduct must be seriously viewed by the courts as the abuse of process of law and the petition must be dismissed on that ground alone without entering into the merits of the matter.

10. As held in S.J.S. Business Enterprises (P) Ltd. v. State of Bihar, as a general rule, suppression of material fact by a litigant disqualifies such litigant from obtaining any relief. This rule has been evolved out of the need of the Courts to deter a litigant from abusing the process of court by deceiving it. Similar view has been taken in General Manager, Haryana Roadways v. Jai Bhagwan, in Prestige Lights Ltd. v. State Bank of India etc.”

18. **The next question that needs to be considered is:**

a) Whether the non-participation of the petitioner in the enquiry (personal hearing), the authority had to decide the issue against the petitioner without recording an independent finding based on the report?

b) Whether the authority had to consider the report and record its findings independently?

³ 2025 SCC Online SC 556

19. The answer to the said questions, in the considered opinion of this court, is no longer *res integra*. Whether the petitioner participated or not, it is the bounden duty of the authority to consider the explanation and record findings independently.

20. The Hon'ble Apex Court in the case of **ECIL vs. B. Karunakar**⁴, held that:

“56. Neither findings on merits nor the suggested penalty binds the disciplinary authority who is enjoined to consider the record and the report. It is open to him to agree on the findings of the enquiry officer in which event he need not record elaborate consideration or reasoning in support of his conclusions, but the order must bear out his application of mind to the questions involved and brief reasons in support thereof, though not like a judgment. If he disagrees on some or all of the findings or reasons of the enquiry officer, then he is enjoined to record the reasons for his disagreement. ...”

21. The Hon'ble Apex court in the case of **State of U.P. vs. Saroj Kumar Sinha**⁵, held that:

“28. An inquiry officer acting in a quasi-judicial authority is in the position of an independent adjudicator. He is not supposed to be a representative of the department/disciplinary authority/Government. His function is to examine the evidence presented by the Department, even in the absence of the delinquent official to see as to whether the un rebutted evidence is sufficient to hold that the charges are proved....”

22. Regarding the submission of the learned counsel for the petitioner that the 2nd respondent has not recorded any finding independently, this Court is not persuaded by the said contention in view of the specific finding recorded by the 2nd respondent in the annexure to Ex.P7. Indeed, the petitioner, from the beginning, did not cooperate with the authorities. As seen from Ex.P4, enquiry report, the enquiry was completed with the help of records and documents available in the office.

⁴ (1993) 4 SCC 727

⁵ (2010) 2 SCC 772

23. The charges levelled against the petitioner are that she is responsible for the misappropriation of Rs.5,47,284/- from General funds and Rs.30,000/- from the 15th Finance Commission Grant. The petitioner was responsible for the objectionable expenditure of Rs.17,85,561/- from the General funds and Rs. 34,15,393/- from the 15th Finance Commission Grant and transfer of funds into her husband's account. In the proceedings of the 2nd respondent, it was pointed out that Rs.81,42,220/- were transferred to the account of her husband, Sri Mandala Venkata Seshaiah and Panchayat Secretary.

24. Given the charges, the petitioner should have cooperated during the enquiry or availed the opportunity of attending the office of the 2nd respondent. A careful perusal of the explanation Ex.P5, the petitioner did not deny the allegations levelled against her vis-à-vis the misappropriation of funds and mismanagement of funds. The entire explanation revolves around the invocation of Section 249-B of the Andhra Pradesh Panchayat Raj Act, 1994 and the alleged infraction of the Principles of Natural Justice. In fact, the 2nd respondent recorded independent findings in the proceedings impugned. The petitioner could not rebut the charges vis-à-vis misappropriation of funds etc., as noted supra.

25. In **Sonam's case**, relied upon by the learned counsel for the petitioner, the Apex Court reiterated the principle that availing the alternative remedy is no bar to filing a writ petition. In fact, it is a settled principle of law, and this Court is conscious of the said preposition. In fact, the Hon'ble Apex Court in **Whirlpool Corporation vs. Registrar of Trademarks**⁶, held that a writ petition is maintainable when the litigant demonstrates violation of fundamental rights; violation of principles of natural justice and an order passed without jurisdiction. The rule of alternative remedy is a rule of discretion. Each case must be examined in the facts of that case, keeping in view the settled principles applicable. The facts in **Sonam's case** are different from the facts in the case at hand. The Apex Court appreciated the facts in

⁶ 1998 (8) SCC 1

Sonam's case and eventually set aside the proceedings therein. However, in the case at hand, as noted supra, there are serious allegations of misappropriation of funds against the petitioner.

26. This Court concludes that the 2nd respondent recorded independent findings based on the reports submitted by the inquiry authorities in the annexure and passed the order. The petitioner, in the peculiar facts of this case, without availing the alternative remedy as provided under the statute, which is efficacious, approached this Court. On this count also the writ petition is liable to be dismissed.

27. This Court, of late, noticed that writ petitions are being filed seeking a Writ of Mandamus challenging the quasi-judicial orders passed by the authorities. The underlying difference between a Writ of Mandamus and Certiorari was almost ignored. A Writ of Mandamus is a command to act and to compel the performance of duty. Whereas, a writ of certiorari is a corrective and supervisory will be issued to quash the illegal orders already passed. In view of the above, this court refers to various definitions and decisions, as under:

"Meaning of Mandamus"

According to Black's law dictionary, (Black's Law Dictionary (7th ed. West Publishing Group, 1999)

"A writ issued by a court to compel performance of a particular act by a lower court or a governmental officer or body, to correct a prior action or failure to act."

According to Wharton's Law Lexicon, (Wharton's Law Lexicon (15th ed., 2009)

"A high prerogative writ of a most extensive remedial nature. In form, it is a command issuing in the King's name from the King's Bench Division of the High Court only, and addressed to any person, corporation, or inferior court of judicature requiring them to do something therein specified, which appertains to their office, and which the court holds to be consonant to right and justice. It is used principally for public purposes, and to enforce performance of public

duties. It enforces, however, some private rights when they are withheld by public officers.”

The Hon’ble Apex Court in ***Lalaram vs. Jaipur Development Authority***⁷, at paras 145 and 146 observed as thus:

“**145.** A writ of mandamus is an extraordinary remedy and is intended to supply deficiencies in law and is thus discretionary in nature. The issuance of writ of mandamus presupposes a clear right of the applicant and unjustifiable failure of a duty imposed on an authority otherwise obliged in law to imperatively discharge the same.

146. The dominant features of a writ of mandamus authoritatively figures in the following extract from Halsbury's Laws of England, 4th Edn., Vol. 1 (p. 111):

“89. Nature of mandamus.—The order of mandamus is of a most extensive remedial nature, and is, in form, a command issuing from the High Court of Justice, directed to any person, corporation, or inferior tribunal, requiring him or them to do some particular thing therein specified which appertains to his or their office and is in the nature of a public duty. Its purpose is to remedy defects of justice; and accordingly it will issue, to the end that justice may be done, in all cases where there is a specific legal right and no specific legal remedy for enforcing that right; and it may issue in cases where, although there is an alternative legal remedy, yet that mode of redress is less convenient, beneficial and effectual.” (emphasis supplied)”

The Hon’ble Apex Court in the case of ***Director of Settlements vs. M.R. Apparao***⁸, held that:

“**17.**“Mandamus” means a command. It differs from the writs of prohibition or certiorari in its demand for some activity on the part of the body or person to whom it is addressed. Mandamus is a command issued to direct any person, corporation, inferior courts or Government, requiring him or them to do some particular thing therein specified which appertains to his or their office and is in the nature of a public duty. A mandamus is available against any public authority including administrative and local bodies, and it would lie to any person who is under a duty imposed by a statute or by the common law to do a particular act. In order to obtain a writ or order in the nature of mandamus, the

⁷ (2016) 11 SCC 31

⁸ (2002) 4 SCC 638

applicant has to satisfy that he has a legal right to the performance of a legal duty by the party against whom the mandamus is sought and such right must be subsisting on the date of the petition (Kalyan Singh v. State of U.P. [AIR 1962 SC 1183]). The duty that may be enjoined by mandamus may be one imposed by the Constitution, a statute, common law or by rules or orders having the force of law.”

Meaning of Certiorari

According to **The Halsbury’s Laws of England (4th ed)**

”The order of Certiorari is an order issuing out of the High Court and directed to the judge or officer of an inferior tribunal to bring proceedings in a cause or matter pending before the tribunal into the High Court to be dealt in order to ensure that the applicant for the order may have the more sure and speedy justice.”

According to **Black’s Law Dictionary (8th ed)**

“A Certiorari is a common-law writ issued by a superior to an inferior court or to some other tribunal or officer exercising a judicial function, requiring the certification and return of the record and proceedings so that the record may be revised and corrected in matters of law.”

The Constitution Bench of the Hon’ble Apex Court, about seven decades back in ***Hari Vishnu Kant vs. Ahmad Ishaque***⁹, at para 240, while dealing with Certiorari jurisdiction, held that;

“According to the common law of England, ‘Certiorari is a high prerogative writ issued by the Court of King’s Bench or Chancery to inferior courts or tribunals in the exercise of supervisory jurisdiction with a view to ensure that they acted within the bounds of their jurisdiction. To this end, they were commanded to transmit the records of a cause or matter pending with them to the superior court to deal with there, and if the order was found to be without jurisdiction, it was quashed. The court issuing ‘certiorari ‘to quash, however, could not substitute its own decision on the merits, or give directions to be complied with by the court or the tribunal. Its work was destructive; it simply wiped out the order passed without jurisdiction, and left the matter there.”

⁹ AIR 1955 SC 233

28. As noted supra, this Court is constrained to make the observations regarding the fundamental difference since a large number of writ petitions are being filed seeking a Writ of Mandamus alone, without asking for Certiorari. Of course, this Court is conscious that technicalities will not come in the way when substantial justice is jettisoned.

29. Given the facts and circumstances and the discussion supra, there are no merits in the writ petition and the writ petition is liable to be dismissed and accordingly dismissed.

30. The observations made, if any, in this order will not influence the appellate authority in the case the petitioner files an appeal before it as mandated under Section 249-B(6) of Andhra Pradesh Panchayat Raj Act, 1994. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Dated: 18.02.2026
SNI

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THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.4715 OF 2026

Dated: 18.02.2026
SNI