

Court No. - 6

Case :- WRIT - C No. - 27696 of 2023

Petitioner :- Smt. Saroj Kumari

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Geetam Singh

Counsel for Respondent :- C.S.C., Arjun Prasad Yadav

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Geetam Singh, learned counsel for the petitioner, Mr. Arjun Prasad Yadav, learned counsel for the respondent no.5 and learned Standing Counsel for the respondents.

This writ petition has been filed by the petitioner with a prayer to quash the impugned recovery certificate dated 01.02.2021 issued by the respondent no.4 for recovery of Rs.1,68,406/- alongwith interest as well as collection charges from the petitioner.

At the very outset, learned Standing Counsel has pointed out that against the impugned order, a statutory appeal under Rule 258 (1) of UP Panchayat Raj Rules, 1947 is provided.

As there is statutory alternative appeal against the impugned order before the Commissioner, therefore, the writ petition is dismissed on the ground of alternative remedy.

However, in case the petitioner prefers an appeal within a period of three weeks from today, the Appellate Authority shall decide the same on merits, ignoring the delay, if any, in accordance with law, by a reasoned and speaking order, after giving opportunity of hearing to all the parties, preferably within a period of three months from the date of production of certified copy of this order.

Order Date :- 19.10.2023

Arti