

Court No. - 5

Case :- WRIT - C No. - 27811 of 2023

Petitioner :- Jal Devi

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

Counsel for Petitioner :- Geetam Singh

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

Hon'ble Piyush Agrawal, J.

Heard learned counsel for the petitioner, learned Standing Counsel for the State functionaries and Sri Arjun Prasad Yadav, learned counsel for the respondent no. 5 are present.

Record reveals that the writ petition has been filed with a prayer to quash recovery citation dated 09.09.2022 issued by respondent no. 4.

Learned counsel appearing for the respondents point out that against the order impugned, statutory remedy of filing an appeal under Section 258(1) of the U.P. Panchayat Raj Rules, 1947 is available.

In view of the above as well as the judgements of the Apex Court in *United Bank of India Vs. Satyawati Tondon & Others* [(2010) 8 SCC 110] (paragraph no. 43), *Radha Krishan Industries Vs. State of Himachal Pradesh & Others* [(2021) 6 SCC 771] (paragraph no. 27.5) and *Varimadugu Obi Reddy Vs. B. Sreenivasulu & Others* [(2023) 2 SCC 168] (paragraph no. 36), the writ petition is dismissed on the ground of alternative remedy.

However, in case the petitioner files such appeal within two weeks from today, same may be decided by the authority concerned, condoning the delay, if any, in accordance with law, expeditiously, preferably within a period of next three months, after affording opportunity of hearing to all the parties.

Order Date :- 13.10.2023

Pravesh Mishra