

Court No. - 6

Case :- WRIT - C No. - 28306 of 2023

Petitioner :- Najiya Khatoon

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

Counsel for Petitioner :- Rakesh Kumar Upadhyay, Ashok Kumar Upadhyay

Counsel for Respondent :- C.S.C., Shashi Kant Dwivedi

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

This writ petition has been filed by the petitioner with a prayer to quash the impugned order dated 24.07.2023 passed by the respondent no. 2, the District Magistrate, Deoria.

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 four months from the date of production of certified copy of this order.

Order Date :- 19.10.2023

Arti