Court No. - 6
Case :- WRIT - C No. - 29478 of 2023
Petitioner :- Uday Bhan Chauhan
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Vivek Kumar Srivastava
Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan,J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State.

2. This writ petition has been filed with the prayer to direct respondent No. 2 to decide the stay application dated 19.1.2023 moved in Appeal No. C202314000000149 according to the provision of the Section 259(1), U.P. Panchayat Raj Rules, 1947.

3. Learned counsel for the petitioner submits that an appeal alongwith stay application has been filed against Surcharge under Section 27 of the U.P. Panchayat Raj Act, 1947 which is pending decision. The direction may be issued to respondent No. 2 to decide the said application in accordance with provisions of section 258(1) of U.P. Panchayat Raj Rules, 1947.

4. On the other hand, learned Standing Counsel submits that no such direction is required in view of the provision of Rule 258(1) of the U.P. Panchayat Raj Rules, 1947 however, direction may be issued to decide the stay application.

5. No useful purpose would be served by keeping the petition pending in view of the order, which the Court proposes to pass.

6. Considering the facts and circumstances of the case, without entering into the merits of the case, this writ petition is disposed of with a direction to the respondent No. 2 (Commissioner, Varanasi Division, Varanasi) to decide the petitioner's stay application in accordance with law, expeditiously, preferably, within a period of one month from the date of production of a certified copy of this order, if there is no legal impediment.

Order Date :- 18.10.2023

SY

Digitally signed by :-
SUSHAMA YADAV
High Court of Judicature at Allahabad