

**Court No. - 6**

**Case :-** WRIT - C No. - 30806 of 2023

**Petitioner :-** Shiv Devi

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Grijesh Tiwari

**Counsel for Respondent :-** C.S.C., Sharda Prasad Mishra

**Hon'ble Mrs. Manju Rani Chauhan, J.**

Heard Mr. Grijesh Tiwari, learned counsel for the petitioner, Mr. Sharda Prasad Mishra, learned counsel for respondent and learned Standing Counsel for the State-respondents.

This writ petition has been filed by the petitioner challenging the order dated 17.08.2023 passed by respondent no.2 vide which the financial and administrative powers of the petitioner-Pradhan have been ceased and a further prayer to direct the respondents not to interfere with the peaceful functioning of the petitioner as pradhan and not to take coercive action her.

Learned counsel for the petitioner submits that the petitioner was elected as Pradhan of Village Panchayat Patarsa, Kalyanpur, Post Mordanpur, District-Kanpur Nagar. It appears that some complaint has been made against her with respect to non-completion of certain development works, on which a preliminary inquiry has been conducted by a committee comprising of Naib Tehsildar and Revenue Inspector on which a show cause notice was given and a reply on the same has been submitted, after which the order impugned has been passed ceasing the financial and administrative powers of the Pradhan. He further submits that the Naib Tehsildar and the Revenue Inspector are not the officers competent to conduct the preliminary inquiry as required under the Uttar Pradesh Panchayat Raj (Removal of Pradhan, Up-Pradhans and Members) Enquiry Rules, 1997. He further submits that the reply as submitted by the petitioner has not been dealt with therefore the impugned order has been passed in violation of principles of natural justice as well as the mandatory provisions as required under the Uttar Pradesh Panchayat Raj (Removal of Pradhan, Up-Pradhans and Members) Enquiry Rules, 1997.

Learned Standing Counsel on the basis of instructions submits that the preliminary inquiry has been conducted by Naib

Tehsildar and Revenue Inspector and could not dispute the submissions as made by learned counsel for the petitioner.

In view of the aforesaid facts and the law laid down in Full Bench judgment of this Court in the case of **Vivekanand Yadav vs. State of U.P. and another** reported in **2010(10) ADJ 1 (FB)**, the impugned order has been set-aside and the present petition is **allowed**.

**Order Date :- 30.10.2023**

Kalp Nath Singh