

Court No. - 6

Case :- WRIT - C No. - 31835 of 2023

Petitioner :- Mohan

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

Counsel for Petitioner :- Prabhakar Awasthi, Damodar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Prabhakar Awasthi, learned counsel for the petitioner and learned Standing Counsel for the State-respondent.

This writ petition has been filed assailing the order dated 24.08.2023 passed by respondent no.2; the District Magistrate vide which financial and administrative powers of the petitioner-Pradhan has been seized.

Learned counsel for the petitioner submits that the petitioner was elected Gram Pradhan Dheso, District-Maharajganj. On some complaint made by one Rameshwar Sahani, a three members' committee comprising of District Panchayat Raj Officer, District Backward Class Welfare Officer and Assistant Engineer, Rural Engineering Department was constituted by order of Chief Development Officer to conduct an enquiry. On the basis of the aforesaid enquiry as conducted by the three members' committee, a show cause notice has been issued to the petitioner by the District Magistrate, Maharajganj to submit his reply through District Panchayat Raj Officer, Maharajganj. To which, a reply was submitted and the order impugned dated 24.08.2023 has been passed by the District Magistrate without following the proper procedure as prescribed in the provisions of Uttar Pradesh Panchayat Raj Act, 1947 and U.P. Panchayat Raj (Removal of Pradhans, Up-Pradhans and Members) Enquiry Rules, 1997.

He further submits that the Chief Development Officer is not the competent person to look into the complaint on which an enquiry can be conducted, that too, by three members' committee, as constituted by him. Therefore, the entire proceedings as initiated against the petitioner-Pradhan on the complaint is vitiated in view of the relevant provisions of the Act and Rules.

Learned Standing Counsel has no objections to the aforesaid

submissions.

In view of the aforesaid, no useful purpose will be served to keep this writ petition pending and calling for a counter affidavit.

Considering the submissions advanced by learned counsel for the parties and going through the material on record, this Court finds that the order dated 24.08.2023 passed by the District Magistrate, Maharajganj is liable to be set aside. It is, accordingly, ***set aside***.

However, it is open to the respondent authorities to proceed in accordance with the relevant provisions of the U.P. Panchayat Raj Act and the Rules, 1947, conduct proper enquiry and pass appropriate orders, in accordance with the aforesaid Rules.

The writ petition stands **allowed**, accordingly. No order as to costs.

Order Date :- 2.11.2023

Jitendra/-