

Court No. - 40

Case :- WRIT - C No. - 33049 of 2023

Petitioner :- Rahul Kumar

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Harsh Vardhan Shastri

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Harsh Vardhan Shastri, learned counsel for the petitioner and Sri F.A. Ansari, learned Standing Counsel for the State respondents.

2. In pith and substance the petitioner, who is complainant, has approached this Court for lodging an FIR against the Gram Pradhan (elected representative) in the light of Government Order dated 22.11.2016.

3. Sri F.A. Ansari, learned Standing Counsel has raised an objection regarding maintainability of the writ petition on the ground that in case the petitioner makes the complaint against the sitting Pradhan, the remedial measures are already provided in U. P. Panchayat Raj (Removal of Pradhans, Up Pradhans and Members) Enquiry, Rules, 1997, wherein detailed procedure is provided for making the complaint against the sitting Pradhan. In absence of taking recourse as available in law, the relief, which is being pressed before this Court, is devoid of merit.

4. We have occasion to peruse the record and find that the detailed procedure is provided in U. P. Panchayat Raj (Removal of Pradhans, Up Pradhans and Members) Enquiry, Rules, 1997, wherein the complaint can be filed. In absence of taking the recourse as available in law, we cannot direct under the writ jurisdiction to lodge an FIR merely on the basis of the alleged complaint against the sitting Pradhan.

5. We have asked a pointed query to learned counsel for the petitioner, whether any complaint is moved under the Rules of 1997, the response is negative. In this backdrop, we have inclined to impose exemplary cost against the petitioner.

6. Confronted with this situation, learned counsel for the petitioner states that the present writ petition may be dismissed as not pressed.

7. Accordingly, the writ petition is dismissed as not pressed.

Order Date :- 31.10.2023

Rama Kant