

Court No. - 6

Case :- WRIT - C No. - 33868 of 2023

Petitioner :- Smt. Ranjana Katiyar

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

Counsel for Petitioner :- Purushottam Mani Tripathi, Sanjeev Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Purushottam Mani Tripathi, learned counsel for the petitioner and learned Standing Counsel for the State.

The writ petition has been filed with a prayer to quash the impugned order dated 26.08.2023 passed by respondent no.3, District Magistrate, Kanpur Nagar.

Learned counsel for the petitioner submits that the petitioner was earlier Gram Pradhan of Village Bilauhar, Chaubigahi, District Kanpur Nagar, for three consecutive term i.e., from the year 2005-2010, 2010-2015 and 2015-2020. It appears that some enquiry was conducted by the Chief Audit Officer, Co-operative Societies and Panchayats and prepared an enquiry report relating to the year 2002-03 to 2015-16. On the basis of aforesaid enquiry report, wherein it was found that there were certain loss, misappropriation and misuse of funds, which had to be utilized for public works under the supervision of Gram Vikas Adhikari of the village. The petitioner as Gram Pradhan for the period of 2005-06 to 2015-16 was held responsible for the aforesaid with few other Gram Pradhans their Secretary as well as Gram Vikas Adhikari. A general show cause notice dated 16.05.2023 was issued which was never served upon the petitioner and no opportunity of hearing was provided to her and only relying upon ex-parte enquiry report, the

impugned order has been passed. As no individual notice was given to the petitioner, hence, the impugned order has been passed in violation of provisions of Rule 257 of U.P. Panchayat Raj Rules, 1947, and the same is liable to be set aside.

On 30.10.2023, when the matter was taken up, the following order was passed:-

"Heard Mr. Sanjeev Singh, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

The writ petition has been filed with a prayer to quash the impugned order dated 26.08.2023 passed by respondent no.3, District Magistrate, Kanpur Nagar.

Learned counsel for the petitioner, challenging the order impugned, submits that no individual notice was given to the petitioner and no opportunity of hearing was given, prior to passing the aforesaid order, therefore, the same is in violation of principles of natural justice. He also submits that the order impugned is in violation of provisions under Rule 257 of Rules of 1947.

Learned Standing Counsel prays for and is granted three weeks' time to obtain instructions in the matter.

Put up as fresh on 24.11.2023.

Till then, no coercive action shall be taken against the petitioner."

On the basis of instructions as placed on record, learned Standing Counsel neither showed any document wherein the petitioner was given opportunity of hearing while conducting the enquiry, nor any individual notice has been given to her.

In view of above, the impugned order dated 26.08.2023 passed by respondent no.3, District Magistrate, Kanpur Nagar, is **set aside**.

However, it is open to the authorities concerned to proceed in accordance with law, after giving proper notice and opportunity of hearing to the petitioner.

The writ petition stands **allowed**.

Order Date :- 6.12.2023/Rahul.