

Court No. - 40

Case :- WRIT - C No. - 35124 of 2023

Petitioner :- Sujeet Kumar Singh

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

Counsel for Petitioner :- Pawankumar Dubey

Counsel for Respondent :- C.S.C., Sher Bahadur Singh

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner, learned standing counsel for State respondents and Sri Sher Bahadur Singh, learned counsel for respondent no.5, Village Panchayat.

2. Petitioner claims to be Ex-Pradhan. He has approached to this Court for a direction commanding the Assistant Block Development Officer, Block Bhawal Kheda, District Shahjahanpur to release the amount, which was spent by the petitioner from own sources for the construction of Panchayat Ghar in the year 2020-21.

3. In response to the earlier order, learned Standing Counsel has placed the detailed instruction dated 02.11.2023 sent by the District Panchayat Raj Officer, Shahjahanpur indicating therein that there was a fact finding inquiry conducted by the Project Director, who had submitted a report on 25.02.2021, wherein, it was alleged that there was malpractices in the construction and accordingly, the recovery orders were passed against the erring Officer/officials as well as against Pradhan. He submits that the relief, as has been prayed for, pertains to un-admitted amount for construction of Panchayat Ghar and highly disputed facts have been pressed, which cannot be adjudicated under Article 226 of the Constitution of India in the light of judgment rendered by Hon'ble Supreme Court in *M/s Surya Construction vs. State of Uttar Pradesh & Ors. (2019) 16 SCC 794*.

4. Considering the aforementioned facts and circumstances, as highly disputed facts have been raised, we are not inclined to adjudicate the matter. It is open to the petitioner to press the relief in accordance with law.

5. With the aforesaid observation, the writ petition stands disposed of.

Order Date :- 3.11.2023

S.P.