

Court No. - 6

Case :- WRIT - C No. - 35794 of 2023

Petitioner :- Anil Kumar

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

Counsel for Petitioner :- Sarvesh Kumar Singh, Jitendra Nath Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan, J.

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

This writ petition has been filed by the petitioner with the following prayer :-

"I. Issue a writ of prohibition against the respondent no.5 acting as Gram Pradhan of Gram Sabha Painga, District Ghaziabad declaring him a de-facto gram Pradhan.

II. Issue a writ of mandamus restraining the respondent no.5 from functioning further on the post of Gram Pradhan of Gram Sabha Painga, District Ghaziabad.

*III. Issue another writ of mandamus directing the respondent no.3 District Magistrate Ghaziabad to decide the matter expeditiously pending before him as complaint dated 02.06.2023 (**Annexure No.8**) to the present writ petition.*

IV. Issue any writ, order & direction to the respondents no.2 to 4 to take action against the respondent no.5 who is the de-facto Gram Pradhan by lodging F.I.R. against him for filing fictitious vexatious and false affidavit dated 31.03.2021 in support of his nomination form dated 03.04.2021 before the returning officer, concealing the fact that he had been convicted with life imprisonment.

....."

Learned Standing Counsel for the State-respondents points out that the present petition is a complainants petition. The petitioner made a complaint against respondent no.5, the *de-facto* Gram Pradhan of Gram Sabha Painga, District-Ghaziabad.

Learned counsel for the petitioner has not been able to show any provision as to how the petition seeking direction to decide the complaint as moved against the respondent no.5 can be passed, therefore, the relief as prayed cannot be granted.

The instant writ petition is misconceived and is accordingly, **dismissed**.

Order Date :- 9.11.2023

Kalp Nath Singh