

Court No. - 40

Case :- WRIT - C No. - 37576 of 2023

Petitioner :- Akshaybar Tiwari

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

Counsel for Petitioner :- Raj Kumar Singh

Counsel for Respondent :- C.S.C.,Rameshwar Prasad Shukla

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Raj Kumar Singh, learned counsel for the petitioner, Shri Devansh Rathore, learned Additional Chief Standing Counsel for the State Respondents and Shri Rameshwar Prasad Shukla, learned counsel for respondent no.5, Gram Panchayat.

2. By means of instant writ petition the petitioner is seeking direction in the nature of mandamus to the respondent no.2, District Magistrate, Ballia to inquire regarding the irregularities committed by Gram Pradhan in development work of Gram Panchayat Sitakund, Vikas Khand Belhari, District Ballia, under the scheme of Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MNREGA).

3. In this background, we have proceeded to examine the record in question and find that the petitioner had moved several representations leveling certain allegations and on his applications committees have been constituted twice to inquire about the allegations leveled by him. The petitioner has also represented the matter before District Magistrate, Ballia on 30.06.2023.

4. We proceed to make a mention that for redressal of the grievance raised by the petitioner, full mechanism is provided under MNREGA Scheme. The responsibilities of the Gram Panchayats have been defined in Section 16; social audit of work by Gram Sabha in Section 17 and responsibilities of State Government in implementing the MNREGA Scheme in Section 18. Section 19 talks about the grievance redressal mechanism, which provides that the State Government shall, by rules, determine appropriate grievance redressal mechanism at the Block level and the district level for dealing with any complaint by any person in respect of implementation of the Scheme and lay down the procedure for disposal of such complaints.

5. In the present matter, the petitioner in most cursory manner without

adhering any mechanism, which is provided under the Act itself had proceeded to file the alleged complaint to the District Magistrate, Ballia.

6. Once the exhaustive scheme is provided in the Act itself, therefore, at this stage, we are not inclined to issue any direction to the competent authority under Article 226 of the Constitution of India in this regard. However, if the petitioner is aggrieved, he would have liberty to approach the authority concerned strictly as per the provisions contained in MNREGA.

7. In view of above, the writ petition sans merit and is, accordingly, **dismissed.**

Order Date :- 13.12.2023

S.P.