

Court No. - 40

Case :- WRIT - C No. - 38438 of 2023

Petitioner :- Smt Anara Devi

Respondent :- State Of U.P. and 5 Others

Counsel for Petitioner :- B.S. Pandey

Counsel for Respondent :- C.S.C,Pankaj Kumar Gupta

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Learned counsel for the petitioner is permitted to correct the prayer clause of the writ petition forthwith
2. Heard Sri B.S. Pandey, learned counsel for the petitioner; learned Additional Chief Standing Counsel for the State respondent nos.1 to 5 and Sri Pankaj Kumar Gupta, learned counsel for the respondent no.6 (Gaon Sabha).
3. The petitioner claims to be ex-Pradhan of Gram Panchayat Chhapiya Bujurg, Post Keshawpur, Tehsil Harriya, District Basti. He has approached to this Court with the grievance that certain construction had been carried out and even though, the said work had been accepted by the respondents but till date the actual payment has not been made to the petitioner. He submits that in the light of the judgment rendered by Hon'ble Supreme Court in **M/s Surya Construction vs. State of Uttar Pradesh & Ors.** (2019) 16 SCC 794, the claim of the petitioner is to be considered by the competent authority i.e. District Panchayat Raj Officer, Basti.
4. No useful purpose would be served in keeping the writ petition pending.
5. Considering the facts and circumstances of the case and without expressing any opinion on merits of the case, we dispose of this writ petition asking the respondent No.4-District Panchayat Raj Officer, Basti to process the application of the petitioner strictly in accordance with law and consider her claim in the light of the judgement in Surya Construction (supra), after taking certain necessary comments from the authority concerned within six weeks from the date of production of a certified copy of this order.

Order Date :- 7.11.2023

RKP