

Court No. - 40

Case :- WRIT - C No. - 41450 of 2023

Petitioner :- Gyadatt Yadav

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Vinay Kumar Srivastava

Counsel for Respondent :- CSC, Arvind Kumar Singh, Krishna Kant Singh

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner; Sri Devansh Rathore, learned Additional Chief Standing Counsel for the State-respondent; Sri Arvind Kumar Singh, learned counsel for the respondent no. 2 and Sri Krishna Kant Singh, learned counsel for the Gaon Sabha/respondent no. 4.
2. Petitioner is before this Court praying for a mandamus directing the respondent concern to conduct an inquiry against the respondent no. 4 for misappropriation of public money under the MNREGA Scheme at village panchayat Jirsami, Block Sheetalpur, District Etah.
3. At the very outset, learned learned counsel for the contesting-respondent raised an objection regarding maintainability of the writ petition on the ground that for redressal of the grievance raised by the petitioner, full-fledged mechanism is provided under The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (hereinafter referred to as 'Act, 2005'). 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, Etah. Once the efficacious alternative remedy is available to the petitioner, there is no reason or occasion to bypass the statutory forum and the writ petition is liable to be dismissed on the ground of statutory alternative remedy.
4. Considering the facts and circumstances of the case once the exhaustive scheme is provided in the Act, 2005 itself, we are not inclined to proceed on merit. However, if the petitioner is aggrieved, he would have liberty to approach the authority concerned strictly as per the provisions contained in the Act, 2005.
5. With the aforesaid observations, the writ petition stands disposed of.

Order Date :- 14.12.2023

A.K.Srivastava