

Court No. - 8

Case :- WRIT - A No. - 4411 of 2023

Petitioner :- Virendra Singh Alias Birendra Singh And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt., Lko. And 7 Others

Counsel for Petitioner :- Mohd.Yusuf Ansari,Rushida Farheen

Counsel for Respondent :- C.S.C.,Dilip Kumar Pandey

Hon'ble Dinesh Kumar Singh,J.

1. Heard Sri Rakesh Kumar, Singh, learned counsel for the petitioners as well as Sri Sandeep Sharma, learned Standing Counsel and Sri Dileep Kumar Pandey, learned counsel for the Gram Sabha.

2. The present writ petition under Article 226 of the Constitution of India has been filed seeking a Writ in the nature of Certiorari quashing the order dated 20.4.2023 with further prayer for a Writ in the nature of Mandamus commanding the opposite parties not to recover the amount against the petitioners mentioned in the impugned order.

3. There is no dispute that the controversy involved in this writ petition is covered by the two decisions of a coordinate Bench of this Court dated 26.5.2023 passed in Writ-C Nos.4093 of 2023 and 4137 of 2023 in respect of Smt. Suman Devi and Desh Raj, who were also posted as Area Lekhpal as were the petitioners, read as under:-

"1. Heard learned counsel for petitioner, Sri Dilip Kumar Pandey, learned counsel for respondent no.8 and learned Standing Counsel for the State.

2. Petitioner has approached this Court challenging the order dated 20.04.2023 passed by Collector, Sitapur on the basis of inquiry report dated 06.10.2022.

3. Learned counsel for petitioner submits that while passing the impugned order inquiry report dated 06.10.2022 was not served upon the petitioner. He has raised specific objection with regard to the same while filling his reply to the show cause notice, however, the same is ignored while passing the impugned order.

4. *Learned Standing Counsel was asked to seek instructions and produce the relevant record before this Court.*

5. *Learned Standing Counsel has produced the relevant record today and on the basis of instructions states that copy of the inquiry report after filing of objection by petitioner was not served upon petitioner.*

6. *Thus, impugned order dated 20.04.2023, being passed without providing the inquiry report to petitioner, on the basis of which the same is passed, cannot stand and same is hereby set aside.*

7. *It shall, however, be open for the respondent authority to pass fresh order, after providing inquiry report and any other documents it rely upon against the petitioner and giving proper opportunity of hearing to petitioner, in accordance with law.*

8. *The writ petition is allowed.”*

4. In view thereof, the present writ petition is also **allowed** in terms of the judgement and order dated 26.5.2023 passed in Writ-C Nos.4093 of 2023 and 4137 of 2023.

Order Date :- 31.5.2023

Rao/-