

Court No. - 9

Case :- WRIT - C No. - 5144 of 2023

Petitioner :- Urmila Devi And Others

Respondent :- State Of U.P. Thru. Its Prin. Secy. , Rural Development Civil Sectr. Lko. And Others

Counsel for Petitioner :- Lalit Mohan Joshi

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

Hon'ble Dinesh Kumar Singh, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Shri Lalit Mohan Joshi, learned counsel for petitioners, Shri Vivek Manushi, learned counsel for State respondents and Shri Dilip Kumar Pandey, learned counsel for respondent no. 8 Gram Sabha.

2. The present writ petition has been filed seeking following reliefs:-

"(i) Issue a writ order or direction in the nature of mandamus commanding the concerned opposite parties to provide houses/awas to the petitioners under the scheme of "Pradhan Mantri Awas Yojana" 2022-2023 in respect of Village Gram Nibha (Purvabajirav), Post Jarowa, P.S. Beniganj, Block Kothwan, Tehsil Sandila, District Hardoi, U.P.-241304, in the interest of justice.

(ii).....

(iii)....."

3. The contention of learned counsel for petitioners is that in the list that was prepared for the allotment of the house under the Pradhan Mantri Awas Yojana (P.M.A.Y.), the names of the petitioners were there. However, subsequently, on the complaint made by certain persons, an inquiry was made by the Block Development Officer and on the basis of the inquiry, the names of petitioners have been struck off. The contention of the petitioners is that the inquiry was not properly conducted and their names were wrongly struck off from the list. In support of their claim, certain relevant documents have been placed on record to show that petitioners are eligible and entitled for the said benefit under the P.M.A.Y.

4. Learned counsel for the State respondents submits that the inquiry was conducted by the Block Development Officer and the Village Development Officer and it was found that the

petitioners are having a *pakka* house in the same village and as such, they are not entitled for the benefit of the P.M.A.Y scheme.

5. In view of the aforesaid facts, this Court is of the view that a fresh inquiry be made by the Sub-Divisional Magistrate, Tehsil Sandila, District Hardoi regarding the eligibility of the petitioners for the benefit of the scheme (supra). The said inquiry is to be completed within a period of three weeks after affording an opportunity of hearing to the petitioners. The petitioners are directed to co-operate in the inquiry.

6. In case, in the inquiry it is found that the petitioners are entitled for the benefit of the scheme, their names should be included in the list.

7. With aforesaid observation and direction, the present writ petition stands **disposed of**.

Order Date :- 21.6.2023

DiVYa