

Court No. - 17

Case :- WRIT - C No. - 7783 of 2023

Petitioner :- Mohd.Aakib Khan

Respondent :- State Of U.P. Thru. Addl. Chief Secy.
Panchayati Raj Civil Sectt. Lko And 6 Others

Counsel for Petitioner :- Dr. Pooja Singh, Digvijay Singh

Counsel for Respondent :- C.S.C., Kaushal Tiwari

Hon'ble Alok Mathur, J.

1. Heard Sri Digvijay Singh, learned counsel for petitioner as well as learned Standing Counsel for respondent Nos. 1 to 6.
2. By means of present writ petition, the petitioner has sought a direction in the nature of mandamus commanding respondent Nos. 3 & 4 to decide the representation given by the petitioner.
3. It has been submitted by learned counsel for petitioner that in the year 2021 election took place for the post of village pradhan where the petitioner as well as respondent No. 7 participated in the said election and respondent No. 7 was the returned candidate. It has been submitted by learned counsel for petitioner that respondent No. 7 had concealed several facts including the fact that criminal cases are registered against him, wherein he was an accused and there were several allegations according to the petitioner which makes respondent No. 7 ineligible.
4. He further submits that a representation in this regard has already been preferred to the District Election Officer/District Magistrate but no decision has been taken on the same and accordingly present writ petition has been filed seeking a direction to the respondents to decide the same.
5. Learned Standing Counsel at the very outset has submitted that present writ petition is misconceived, as an elected pradhan can only be removed by the process of law as framed under Article 12(C) of the U.P. Panchayati Raj Act, 1947 which is by way of an election petition.
6. Considering the aforesaid facts especially the fact that petitioner himself was a candidate, he ought to have known that an elected candidate can be ousted only means of election petition and not by any other authority specially by moving a mere representation.

7. In light of the above, no direction can be given as prayed for by the petitioner inasmuch as a remedy exists for seeking a relief sought by the petitioner which is an election petition. Accordingly, this Court does not find any merit in the writ petition which is accordingly **dismissed**.

(Alok Mathur, J.)

Order Date :- 12.10.2023

Ravi/