

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 924 of 2023

Petitioner :- Shiv Prasad Pandey

Respondent :- State Of U.P. Thru. Prin. Secy. Panchayati Raj Deptt. Sectr. Lko. And Others

Counsel for Petitioner :- Ashish Kumar Tiwari, Shiv Sinha

Counsel for Respondent :- C.S.C., Mohan Singh

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned counsel for the parties.
2. The petitioner had previously filed a writ petition before this Court and the same was dismissed on 26.09.2023 as withdrawn with permission to institute a public interest litigation.
3. It is in this backdrop that the cause for construction of *Nali* alongside the chak road for connecting the drainage to the main *Nala* has come to be raised before this Court in the present public interest litigation.
4. Learned counsel for the petitioner has submitted that an assurance was extended by the concerned gram panchayat for construction of *Nali* but no such development has taken place.
5. Sri Mohan Singh, learned counsel for the gram panchayat on the other hand has argued that the gram panchayat lacks sufficient fund for construction of *Nali* as prayed but as and when the project is sanctioned under any development scheme, necessary action in this regard shall be taken by the gram panchayat.
6. It is also submitted that in absence of any sanction, the gram panchayat cannot proceed with the construction or utilisation of public fund, inasmuch as, the same may become a matter of protest by the other villagers.
7. In the circumstances of the case, we permit the petitioner to take up the matter before the opposite

party no.2 by making an appropriate representation and in case the representation made by the petitioner is found favour with, necessary action for construction of *Nali* to align with the main *Nala* be carried out without allowing the grievance to survive any further.

8. With these observations, the writ petition is finally ***disposed of.***

Order Date :- 11.10.2023/Shahnaz