

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 916 of 2023

Petitioner :- Anuj Kumar Singh And Another

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

Counsel for Petitioner :- Vimal Kishor Singh, Anoop Chandra, Mansi
Gupta

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

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned Counsel for the petitioners, Shri Aakash Singh, learned Counsel for respondents nos.2 to 4 and 11 and Shri Amitabh Rai, learned Additional Chief Standing Counsel for the State-respondents.

2. Shri Aakash Singh, learned Counsel for the respondents no.2 to 4 and 11 has raised a preliminary objection against the maintainability of the present writ petition filed in public interest. It is submitted that as against the grievance raised by the petitioners in the present writ petition filed in public interest, the petitioners have an alternative remedy by virtue of Section 95(1)(g) of U.P. Panchayat Raj Act, 1947 (hereinafter referred to as 'Act 1947') as has been held in a judgment of this Court rendered in Writ Petition No.26883 of 2019 decided on 10.01.2020.

3. Learned Counsel for the petitioners having glanced through the judgment placed reliance upon in support of the preliminary objection is unable to justify as to why such a course may not be adopted by him to seek redressal of his grievance.

4. Leaving it open to the petitioners to avail the alternative remedy under Section 95(1)(g) of the Act 1947 in terms of the judgment referred to hereinabove, the present writ petition is

permitted to be withdrawn without any prejudice to the rights of challenge. In case any such proceeding is initiated, it is expected that the competent authority shall proceed expeditiously in accordance with law.

5. With the aforesaid observations, this petition is **dismissed as withdrawn.**

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 12.10.2023

Anand Sri./-