

Court No. - 17

Case :- WRIT - C No. - 8854 of 2023

Petitioner :- Rajendra Kumar And Others

Respondent :- The State Of U.P. Thru, The Addl. Chief Secy. Panchyati Raj Deptt. Lko. And Others

Counsel for Petitioner :- Gyanendra Kumar Pandey, Apoorv Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur, J.

Heard Shri Gyanendra Kumar Pandey, learned counsel for the petitioners and learned Standing Counsel appearing on behalf of respondents no.1, 2, 3 and 5.

In light of the order proposed to be passed notices to the private respondent is dispensed with.

It has been submitted by the learned counsel for the petitioners that the petitioners along with other complainants had made several representations containing serious allegations against the Gram Panchayat Pradhan, Sachiv Gram Panchayat – Umri Vishnupur, Block - Suratganj, District – Barabanki where it was stated that they have committed financial embezzlement and misappropriated huge amounts in implementation of various development schemes run by the State and Central Government, consequently, prayed that action be taken under Section 95 (1) (G) (V) of the Uttar Pradesh Panchayati Raj Act, 1947.

It has been submitted that on the basis of the allegations a preliminary enquiry was conducted by the Deputy Divisional Forest Officer, Barabanki who submitted his report on 17.4.2023.

Grievance raised by the petitioner in the present petition is that despite submission of the Preliminary Inquiry Report on 17.4.2023 till date no regular inquiry proceedings have been conducted nor any action has been taken against the concerned Gram Panchayat Pradhan and Sachiv Gram Panchayat. under Section 95 (1) (G) (V) of U.P. Gram Panchayat Act.

He submits that according to the statutory provisions the said inquiry ought to have been completed within six months from the receipt of the complaint but despite expiry of substantial period of time no action has been taken.

Learned Standing Counsel on the basis of instruction has informed this Court that inquiry report from the Deputy Divisional Forest Officer, Barabanki was received but certain infirmities were found in the report and also that the report was not complete in all aspects and, consequently, decision has been taken to order a fresh preliminary inquiry and the said preliminary inquiry has been returned to the said officer for conducting a fresh/ further preliminary inquiry and submitting his report expeditiously, by order dated 01.6.2023 and reminder has also been sent on 19.9.2023.

From the aforesaid it is clear that the matter is at the preliminary inquiry

stage and is pending with the Deputy Divisional Forest Officer, Barabanki. It is also noticed that much time has lapsed while the proceedings deserve to be completed in a time bound manner as prescribed under the Act of 1947.

In the aforesaid circumstances the case is made out for limited interference under Article 226 of the Constitution of India.

Accordingly, the present petition is disposed of with a direction to the Deputy Divisional Forest Officer, Barabanki to proceed with the matter and furnish a preliminary inquiry report expeditiously, say within a period of one month from the date a certified copy of this order is produced before him and it is expected that respondent no.2 shall thereafter proceed with the matter and decide the same expeditiously in accordance with law.

Order Date :- 12.10.2023

mks

(Alok Mathur, J.)