

Court No. - 17

Case :- WRIT - C No. - 9289 of 2023

Petitioner :- Jitendra Kumar And 9 Others

Respondent :- State Of U.P Thru. Prin. Secy. Deptt. Revenue Civil Sectr. Lko. And 5 Others

Counsel for Petitioner :- Rajiv Kumar Bajpai, Paresh Mishra, Ram Achal Gupta

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

Hon'ble Alok Mathur, J.

1. Heard learned counsel for the petitioners and learned Standing Counsel appearing for the respondent Nos. 1 to 4 and Shri Namit Sharma, learned counsel appearing for Jal Sansthan, Lucknow-respondent no. 6.

2. The disputed question of fact has been brought before this Court as to whether the water tank should be built on Gata No.101 or Gata No. 228 at Gram Panchayat- Gauri Vikas Khand, Trivedi Ganj, Tehsil- Haidergarh, Barabanki.

3. It seems that on previous occasion, the resolution was passed for construction of the said water tank on Gata No. 101. But subsequently, it was found that the Gata no. 228 is more suitable as the approach road is also available and all the obstructions have been cleared. These issues as raised by the petitioner are totally within the domain of the Gram Panchayat concerned and decision taken at the third tier of democracy cannot be interfered by this Court under Article 226 of the Constitution of India unless it is shown that the decision is totally contrary to the statutory provisions or is illegal and arbitrary in this regard. Apart from the said, the petitioner has adequate remedy by approaching various authorities for redressal of his grievance. In case, he has any grievance, the same may be placed before the competent authorities who may consider and decide the same in accordance with law expeditiously.

4. It is in the aforesaid circumstances that no case for interference is made out in the present case.

5. With the aforesaid observations, the petition stands **disposed of**.

(Alok Mathur, J.)

Order Date :- 19.10.2023

Shravan