

Court No. - 17

Case :- WRIT - C No. - 10218 of 2023

Petitioner :- Ram Dev @ Ram Dev Nishad

Respondent :- State Of U.P. Thru. Secy. Panchayat Raj Deptt. Lko. And 5 Others

Counsel for Petitioner :- Gyanendra Mishra

Counsel for Respondent :- C.S.C.,Dhirendra Kumar Mishra

Hon'ble Alok Mathur,J.

1. Heard Sri Gyanendra Mishra, learned counsel for petitioner as well as learned Standing Counsel for respondent Nos. 1 to 5 and Sri Dhirendra Kumar Mishra, learned counsel for respondent No. 6.

2. The controversy in the present issue is with regard to notice which has been submitted for passing of the no confidence motion. The notice has been given for removing the respondent No. 6 who is elected pradhan i.e. petitioner.

3. It has been stated that the said notice has been given by five persons of the gram panchayat and the said motion has been signed by 3200 members of the Gaon Sabha. The petitioner has challenged the order passed by District Panchayat Raj Officer dated 04.11.2023 wherein he has sought to verify the signatures of five persons who have presented the said notice.

4. Learned counsel for petitioner has submitted that the verification of the signature should be extended to 250 more persons as stated by him in paragraph Nos. 13 to 15 of the writ petition.

5. Learned Standing Counsel on the other hand has supported the impugned order and has submitted that legal issue has already been settled by this Court in the case of **Noorbano Vs. State of U.P. and 3 others (Writ C No. 3846 of 2019)**, wherein in paragraph Nos. 18 and 21, this Court has clarified that as per Section 33-B of the Rules, the District Panchayat Raj Officer had to verify the signatures of only five persons who have presented the said notice.

6. Learned Standing Counsel at this stage submits that he may be given time till Tuesday i.e. 28.11.2023 to submit the case law in this regard.

7. List this case on 28.11.2023 in top ten cases.

(Alok Mathur, J.)

Order Date :- 23.11.2023/Ravi/