

**Court No. - 19**

**Case :-** WRIT - C No. - 10492 of 2023

**Petitioner :-** Tilakram

**Respondent :-** State Of U.P. Thru. Prin. Secy. Deptt. Of Panchayati Raj, Civil Sectr. Lko. And 9 Others

**Counsel for Petitioner :-** Ashish Kumar Singh, Shakeel Qureshi

**Counsel for Respondent :-** C.S.C.

**Hon'ble Jaspreet Singh, J.**

Heard learned counsel for the petitioner. Notice on behalf of the respondents No.1 to 8 has been accepted by the office of Chief Standing Counsel.

The instant petition has been filed by the petitioner in his individual capacity and prays for the following reliefs which are reproduced hereinafter.

"1. Issue a writ, order or direction in the nature of Mandamus directing the opposite parties to conduct a detailed enquiry after following due procedure prescribed under the law so that actual culprits may be punished for the financial embezzlement of the public funds allocated for construction of the community toilet, in the interest of justice.

2. Issue a writ, order or direction in the nature of mandamus directing the opposite parties to make functional the community toilet, constructed in the Village Panchayat - Gandara, by substandard materials, which could not become functional since its construction, in the interest of justice".

The submission of the learned counsel for the petitioner is that the petitioner is a resident of Village Gandara, Block-Jarwal, District Bahraich and that he had made several complaints regarding misuse of public funds.

It is submitted that several toilets were constructed in the village panchayat, however, it involved substandard material and thereafter they are completely non-functional which is nothing but misuse of public funds. In the aforesaid circumstances, a direction has been sought as quoted hereinabove.

Learned standing counsel on the basis of the written instructions submitted that insofar as the allegations of misappropriation of public funds is concerned, a three Member Committee has already been constituted, who have filed its enquiry report in terms whereof it was indicated that there was

an embezzlement of Rs.3,76,542/- and the same have already been taken note of and issued show cause notice to the persons who were involved in such embezzlement.

Considering the aforesaid written instructions as well as the fact that the petitioner has approached this Court in his personal capacity, the issue raised has already stand resolved and has already been considered by the appropriate authority. Thus, for the aforesaid reasons, the relief as prayed for is not granted.

In view of the aforesaid, the petition is dismissed.

**Order Date :- 2.12.2023**

Rakesh/-