

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1137 of 2023

Petitioner :- Vinay Kumar

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

Counsel for Petitioner :- Harendra Singh

Counsel for Respondent :- C.S.C.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Heard learned counsel for the petitioner and Shri Aakash Sinha, learned counsel for the State.

2. By means of the instant Public Interest Litigation (PIL), the petitioner has sought the following reliefs:-

"I. Issue a writ, order or direction in the nature of mandamus thereby commanding the opposite party No.1 & 2 to constitute a high-level committee and conduct a thorough inquiry against opposite party No.3 to 6 and other revenue inspectors working in Tehsil Dhaurahra involved in corruption and complete departmental proceedings against them within a fixed time period.

II. Issue a writ, order or direction in the nature of mandamus thereby commanding the opposite party No.1 & 2 to cancel the leases of ineligible persons made by opposite party No.3 to 6 and make allocations in favour of eligible persons within a specified time period so that the public property of the Gram Sabha can be saved and the misuse of government funds can be prevented on a very large scale.

III. Issue a writ, order or direction in the nature of mandamus thereby commanding the opposite party No.1 & 2 setup a high level committee against opposite party No.3 to 6 and get an inquiry done against them for disproportionate assets."

3. Shri Aakash Sinha, learned counsel for the State, at the very outset, has raised a preliminary objection against the maintainability of the present writ petition, firstly, on the ground that a writ of mandamus in the present case would not lie for the reason that the petitioner has not approached any

competent authority for seeking the relief as has been sought through a writ of mandamus prayed for herein. Secondly, insofar as the relief clause (II) is concerned, it is pointed out that the grievance is raised against the gram panchayat and the petitioner has not impleaded the gram panchayat as an opposite party.

4. On a perusal of the record, we find that both the objections are sustainable.

5. At this stage, learned counsel for the petitioner prays that he may be permitted to withdraw the P.I.L. with liberty to file the same afresh by enclosing all the relevant documents in support of the cause.

6. The P.I.L. is, accordingly, dismissed as withdrawn with the liberty as prayed.

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

Order Date :- 11.12.2023
Shubhankar