

Court No. - 2

Case :- WRIT - C No. - 10776 of 2024

Petitioner :- Shakuntala @ Shakuntala Devi

Respondent :- The State Of U.P. Thru. Collector And 5 Others

Counsel for Petitioner :- P.K. Mishra,Vivek Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Rajan Roy,J.

Hon'ble Brij Raj Singh,J.

1. Heard.

2. By means of this petition the petitioner has challenged the order dated 31.07.2024 by which the petitioner has been asked to refund Rs. 40,000/- which were given to her as first installment of Pradhan Mantri Awas Yojna. The order impugned also contains a recital that on inquiry she was found to be ineligible.

3. The order does not refer to any notice having been issued to the petitioner confronting her with the allegations and/or materials in support thereof as regards her ineligibility which was the minimum that was required to be done in keeping with the principles of natural justice.

4. In para 4 of the writ petition the petitioner claims to be residing in a roofless room by putting a tin shed. However, learned standing counsel says that there is material to show that the petitioner resides in a eight room house in which she is said to have a share of two rooms.

5. We are of the opinion that if the facts as stated by the opposite parties are correct then the petitioner should have been confronted with the aforesaid facts and then the decision should have been taken. It is also made clear that if the petitioner had misled or misrepresented to obtain financial benefit, then, appropriate proceedings under the criminal law could also be initiated.

6. We, therefore, quash the impugned order, however, with liberty to the Block Development Officer, Kadipur, District Sultanpur to proceed a fresh by issuing notice to the petitioner in the light of what has been stated hereinabove and if any response is received from the petitioner to consider it and get the facts verified and then pass a fresh order. It is further made clear that if no

response is received, then, it shall be open for the Block Development Officer to pass fresh order but mentioning the material and other details adverse to the claim of the petitioner.

7. The petition is ***disposed of***.

[Brij Raj Singh, J.] [Rajan Roy, J.]

Order Date :- 18.12.2024

Santosh/-