

(2009) 06 AHC CK 0043

Allahabad High Court

Case No: None

Harpal Singh

APPELLANT

Vs

The State of U.P.And Others

RESPONDENT

Date of Decision: June 2, 2009

Hon'ble Judges: Sunil Ambwani, J and Devendra Kumar Arora, J

Final Decision: Dismissed

Judgement

D.K. Arora, J.

We have heard the writ petition in summer vacations, on the insistence of the petitioner that the matter should be treated as urgent, on the ground that a person, against whom a no confidence motion was passed, should not be allowed to continue as Pramukh, Panchayat Pramukh, Danpur, District Bulandshahr.

Shri Soran Singh respondent no. 3 was elected in March 2006, as Pramukh of the Kshetra Panchayat, Danpur. A no confidence motion was carried out against him by the house on 7.5.2008. He filed a Writ Petition No.22754 of 2008 in the High Court at Lucknow. The Writ Petition was connected with a bunch of matters in which U.P. Panchayat Laws (Amendment) Ordinance, 2007, which was later on enacted into U.P. Panchayat Laws (Amendment) Act 2007, was under challenge. The Lucknow High Court dismissed all the writ petitions on 6.2.2009. Shri Soran Singh respondent no. 3 filed a Special Leave to Appeal (Civil) No. 9352/2009, in which the Supreme Court passed following order on 16.4.2009:

"Until further orders, interim order passed by the High Court on 26th February, 2008, shall continue to operate."

In compliance with the orders of the Supreme Court, the District Magistrate, Bulandshahr has passed an order on 28.5.2009, staying his order dated 27.2.2009, by which the petitioner Harpal Singh was nominated in place of respondent no. 3 under Section 9(2) of U.P. Kshetra Panchayat and Zila Panchayat Adhiniyam, 1961, and has allowed Shri Soran Singh to take over the charge of Pramukh, Kshetra

Panchayat Danpur.

Learned counsel for the petitioner submits that after the no confidence motion was carried out by 66 members out of 68 out of 88 present and two invalid votes, there is no occasion for the District Magistrate to stay his order. He submits that if full and complete facts were brought to the knowledge, the Supreme Court would not have allowed Shri Soran Singh to continue as Pramukh, Kshetra Panchayat.

The remedies of the petitioner, if any, are to approach the Supreme Court to vacate or to clarify its order dated 16.4.2009. This Court in exercise of jurisdiction under Article 226 of the Constitution of India would not ordinarily interpret the orders, so long the matter is still pending in the Supreme Court.

The writ petition is dismissed.