

## Ranvir Singh Vs State of U.P. and Smt. Kanti Devi

**Court:** Allahabad High Court

**Date of Decision:** Nov. 3, 2008

**Acts Referred:** Constitution of India, 1950 " Article 226

**Citation:** (2008) 105 RD 781

**Hon'ble Judges:** Rakesh Tiwari, J

**Bench:** Single Bench

**Final Decision:** Dismissed

### Judgement

Rakesh Tiwari, J.

Heard counsel for the petitioner and the standing counsel.

2. The petitioner claims himself to be one of the members of Gram Panchayat, village Bana, district Meerut.

3. It appears from the perusal of writ petition and the annexures appended thereto that ten members out of fourteen members of the aforesaid

Gram Panchayat, by means of an affidavit made a complaint to Chief Development Officer, Meerut regarding some illegalities in fiscal and

administrative functions of respondent No. 4 - village Pradhan, whereupon initially a recovery of Rs. 1,16,509/- was directed to be made from

respondent No. 4 as prima facie the aforesaid amount was found to have been embezzled by him. However, later on after enquiry the aforesaid

amount has been reduced to Rs. 1218/- only, for which recovery orders have been passed.

4. It also appears that aforesaid enquiry had been initiated pursuant to an order dated 4.7.2008 passed by the High Court in Writ Petition No.

31318 of 2008, wherein the Court ordered as follows:

The petitioners submit that on their complaint proceedings was undertaken as per the provision as contained under U.P. Panchayat Raj (Removal of

Pradhan and Up Pradhan) Rules 1997 against the Pradhan of the village Smt. Kanti Devi-respondent No. 4. Petitioners further submit that inquiry

officer i.e. District Panchayat Raj Officer, Meerut has already made inquiry and thereafter report has been submitted. After said report has been

received, District Magistrate, Meerut on 11.2.2008 has issued show cause notice to concerned Pradhan. Petitioner submits that in spite of the fact

that in preliminary inquiry report has been adverse to the Pradhan of the village, District Magistrate has not passed order ceasing financial and

administrative power of the Pradhan of the village and the matter is unnecessarily kept pending.

As inaction is being complained on the part of the District Magistrate, as such District Magistrate, Meerut is directed to see and ensure that

pursuant to notice dated 11.2.2008, in case till date no decision has been taken, then final decision is taken preferably within two months from the

date of presentation of certified copy of this order.

With the above direction, present petition is disposed of.

Contention of the counsel for petitioner is that the District Magistrate has not constituted any three members committee as provided in proviso to

Section 95(1)(g) of U.P. Panchayat Raj Act.

5. The embezzlement of Rs. 1218/- and irregularities in administrative functions though is proved and recovery made, is a matter between the State

and concerned village Pradhan. Merely because the petitioner is one of the complainants, it does not give him any locus standi to challenge the

order impugned. In this regard, reference may be made to the judgment and order dated 9.1.2008 rendered in Writ Petition No. 60988/2007

which was challenged in Special Appeal No. 177 of 2008, Amin Khan v. State of U.P. and Ors. In that writ petition, orders for preliminary

enquiry passed by the District Magistrate u/s 95(1)(g) of U.P. Panchayat Raj Act against the Pradhan depriving her from exercising financial and

executive powers till regular enquiry were quashed. Against the judgment in the writ petition, a Special Appeal was filed and the appellant therein

claimed himself to be the complainant of the proceedings u/s 95(1)(G) and also a member of the three members committee constituted by the

District Magistrate in that case. The Division Bench in the special appeal while considering question of locus standi of the appellant, held that

special appeal by such person is not maintainable as he does not come within the ambit of "person aggrieved."

6. That case was a better case than the present one as in that case the complainant was also one of the member of the three members committee

constituted by the District Magistrate whereas in the he is not a person aggrieved under Article 226 of the Constitution which view is also

supported by the judgment in Amin Khan's case (supra).

The writ petition is accordingly dismissed. No order as to costs.