
(2008) 01 AHC CK 0131
In the Allahabad High Court
Case No : Writ Petition No. 259 (M/S) of 2008

Anzar Ahmad

APPELLANT

Vs

State of U.P.and others

RESPONDENT

Date of Decision : 25-01-2008

Acts Referred:

Uttar Pradesh Panchayat Raj Act, 1947 — Section 95(1)(g) proviso 1

Citation : (2008) 01 AHC CK 0131

Hon'ble Judges : A.N.Varma, J

Final Decision : Allowed

Judgement

A.N. varma, J.—Under challenge in the instant petition is the order dated 6.12.2007 (Annexure No. 1) whereby the financial and administrative powers of the petitioner, who is the Pradhan of the village, have been withdrawn and a three member committee has been constituted. According to the learned Counsel for the petitioner the impugned order has been passed by the Panchayat Raj Officer who under the Act, is not competent to pass such an order.

Vide order dated 21.1.2008 this Court directed the learned Standing Counsel to obtain instructions and in case the same are not received, the District Magistrate, Unnao will appear in person.

2. Shri V.S. Tripathi, learned Additional Chief Standing Counsel states that instructions have been received, on the basis of which he states that the order dated 6.12.2007 has been passed on the basis of approval granted by the District Magistrate, Unnao.

3. The provision prescribes that financial and administrative powers can be withdrawn and three member committee can be constituted by the State Government, which power has been delegated to the District Magistrate.

4. Since the District Magistrate, Unnao has not passed the order and the same has been passed by opposite party No. 4 who is not authority competent, therefore, the order dated 6.12.2008 is, hereby quashed. The writ petition is

accordingly allowed.

5. It will, however, be open for the District Magistrate, Unnao to pass fresh orders in accordance with law.