
(1997) 09 AHC CK 0165

In the Allahabad High Court

Case No : Criminal Miscellaneous Writ Petition No. 2423 of 1997

Good Cause Association, Allahabad

APPELLANT

Vs

State of U.P. & Ors.

RESPONDENT

Date of Decision : 25-09-1997

Acts Referred:

Citation : (1997) 09 AHC CK 0165

Hon'ble Judges : Binod Kumar Roy, J and P.K. Jain, J

Final Decision : Disposed Of

Judgement

1. The petitioner Good Cause Association through its U.P. Executive Member Sri Dal Banadur Singh has come up with following prayers: (i) Issue a writ, order or direction in the nature of mandamus directing Respondent No. 3 Director General/ Vigilance Commissioner, Bikaner House, New Delhi and respondent No. 4 C.B.I. New Delhi to investigate the allegations levelled in the writ petition against Km. Mayawati, the then ExChief Minister of the State of U.P. (ii) issue a writ, order or direction in the nature of mandamus commanding the aforementioned respondents to come up before this Court and give undertaking for performing of their respective duties or investigation within time bound programme.

2. Sri Sita Ram Singh, learned Counsel appearing in support of this petition, had earlier submitted inter alia that being Chief Minister of this State Km. Mayawati was trustee and is accountable for her actions and accordingly the desired relief be granted in view of the fact that even though the present State Government is contemplating an enquiry in that regard and entrusted the C.B.I, for that purpose, the latter (C.B.I.) may refuse to accede to the request of the State Government.

3. Sri. P.P. Srivastava, learned Counsel appearing on behalf of Km. Mayawati, had contended that the allegations made in this writ petition are based merely on newspaper reports and not supported by any documentary materials.

4. On the earlier round of hearing of this writ petition on the question of its

admission on 181197 we had adjourned this case granting an opportunity to the Advocate General to ascertain facts from the Government as to whether any enquiry is pending against respondent No. 2 and if so, on met, to what extent it has proceeded. There after on 21111997 we were given, certain informations on behalf of the State which we recorded in our order of that date. We had also noted a grievance made by Sri Girdhar Nath, learned Counsel for the C.B.I, that he has not been furnished a copy of the writ petition till that date. Directing the petitioner to serve a copy on him we had adjourned this case to yesterday. We also gave liberty to respondent No."2 to file counteraffidavit. Yesterday the Advocate General appeared and informed us that the allegations made in this writ petition concerning Greater Noida have already been entrusted to the C.B.I. by the State by writing a letter dated Oct. 20, 1997 to its Director Sri R.C. Sharma. The Advocate General also informed us that in regard to the allegations concerning creation of Ambedkar Parks the State has already requested the Comptroller and Auditor General of India to enquire. The Advocate General further informed us that in regard to other allegations necessary enquires are already on. We also had put on record the communication made by the Advocate General that the Government is committed to transparency in regard to the allegations of use and misuse of the public funds and does not intend to shield anyone. The case, however, was adjourned for today to know the stand of the C.B.I.

5. Sri Girdhar Nath, learned Counsel appearing on behalf of the C.B.I., informs us that necessary notification accepting the case has already been made by the Central Government and there is no question of now withdrawal of the, C.B.I. in regard to the enquiry etc. of the allegations received by it. Accordingly, we overrule the apprehensions expressed by the petitioner in regard to the C.B.I. and hold that the writ petition in so far as the aforementioned allegations are concerned, has now become infructuous.

6. In regard to the remaining allegations of the petitioner, which are equally serious in nature, like that of the earliest ones, in view of the fact that the State Government has already entrusted the necessary enquiry to the Comptroller and Auditor General of India we hope and trust that the Comptroller and Auditor General of India and officers associated with him will try their level bcsi to expedite the enquiry and conclude if preferably within four months from today.

7. We also hope and trust lhal llie Slate Government will also conclude Its enquiry pending against the remaining allegations expeuitiously preferably within two months from today. It is needless to clarify that since the allegations are against those constitutional authorities who were holder of very high public office and accountable to the public, no one will be spared by the enquiring authorities who are found to be guilty of misuse of public funds and/or anuse of their own high office.

8. This writ petition is disposed of accordingly.

9. No cost.

W. P. disposed of.