
(2008) 04 AHC CK 0273
In the Allahabad High Court

Murari Lal

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 16-04-2008

Acts Referred:

Uttar Pradesh Municipalities Act, 1916 — Section 9(1)(d)

Citation : (2008) 3 AWC 2425 : (2008) 105 RD 271

Hon'ble Judges : Sudhir Agarwal, J;Anjani Kumar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Anjani Kumar and Sudhir Agarwal, JJ.—Heard learned Counsel for the petitioner and learned standing Counsel for the contesting respondents.

2. The petitioner, who is elected as President (Chairman) of the Nagar Panchayat concerned, has challenged the order impugned by means of present writ petition.

3. Learned Counsel for the petitioner contended that name of respondents 5 and 6 has been recommended for nomination as member of Nagar Panchayat concerned by the State Government in exercise of power u/s 9(1)(d) of Municipalities Act, 1916 (in short "the Act"). It is further contended that since the respondents 5 and 6 are not the elected members, therefore, they cannot be nominated as members by the State Government in exercise of power under the aforesaid Act.

4. We have gone through the impugned-order and the provisions of the aforesaid Act and we do not find that there is any such qualification or disqualification that in case a person, who is not an elected member of the Nagar Panchayat concerned, cannot be nominated by the State Government and even the District Magistrate has recorded a finding otherwise that respondents 5 and 6 are the residents of Nagar Panchayat concerned. In this view of the matter, we do not find any force in this writ petition. It is, accordingly dismissed.