

(2008) 12 AHC CK 0229
In the Allahabad High Court

Rajpal Singh Chauhan and Others

APPELLANT

Vs

State of U.P.and Another

RESPONDENT

Date of Decision : 04-12-2008

Acts Referred:

Citation : (2008) 12 AHC CK 0229

Hon'ble Judges : R.K.Agrawal, J and S.P.Mehrotra, J

Final Decision : Allowed

Judgement

S.P. Mehrotra, J.

Connect and list with Writ Petition No. 45466 of 2008 involving similar question.

Counter Affidavit may be filed within three weeks.

Rejoinder Affidavit may be filed within two weeks thereafter.

In view of the interim order granted in the aforesaid connected writ petition no. 45466 of 2008, the petitioners are entitled for interim relief on the same terms.

Argument is that by means of Government Order dated 2752008 a scheme was provided in respect to construction of K.C. Drain and C.C. Road in the Gram Panchayat and particular arrangement was made to execute the work which was to be routed through Gram Panchayat DPROZila Panchayat and instructions (Margdarshika) was also issued in that respect which is Annexure1 to the writ petition but now by the impugned Government Order dated 1872008, that system has been directed to be abolished and now entire charge has been given to the committee constituted at the district level headed by the District Magistrate and officials of the Public Works Department has been authorized to discharge the work.

Argument is that the aforesaid withdrawal by the impugned Government order is in clear violation of Article 243G of the Constitution of India and the system which was provided under the constitutional mandate to strengthen the Gaon

Panchayat and thus that being totally arbitrary is liable to be interfered. It is further submitted that the withdrawal of the earlier arrangement can be without any purpose and it is just a whimsical exercise which cannot be justified on any logic.

Be as it may, on the facts this Court is of the view that till response from the respondents side comes and instruction in the matter is received petitioners are entitled to get interim stay to the new arrangement made vide Government Order dated 18/7/2008 (Annexure 3 to the writ petition).