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**(1996) 09 AHC CK 0056**

**In the Allahabad High Court**

**Case No :** Civil Miscellaneous Writ Petition No. 28892 of 1996

Ram Karan and Ors.

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

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**Date of Decision :** 09-09-1996

**Acts Referred:**

Uttar Pradesh Panchayat Raj Act, 1947 — Section 113(2), 14  
Uttar Pradesh Panchayat Raj Rules, 1947 — Rule 33B

**Citation :** (1996) 09 AHC CK 0056

**Hon'ble Judges :** M.Katju, J

**Final Decision :** Disposed Of

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## **Judgement**

M. Katju, J.—This writ petition has been filed for a mandamus directing the respondent No. 3. to convene the meeting of no confidence against the Gram Pradhan. Section 14 of the U. P. Panchayat Raj Act has been amended in 1994 by substituting the words "Gram Panchayat" in place of the words "Gram Sabha." However, there was no corresponding amendment in Rule 33B of the Rules and hence this court had passed certain interim orders in some writ petitions to the effect that half of the members of the Gram Sabha must sign the notice for calling the meeting of no confidence. However, in a subsequent case, it was pointed out by learned counsel that Section 113(2) has been amended by the same Act of 1994 and it was provided therein that where ever the words "Gram Sabha" occurred in the Act or Rules, the words "Gram Panchayat" should be read. Since my attention had not been invited to Section 113(2) earlier, it is evident that those interim orders were wrongly passed. In my opinion, R. 33B should be deemed to be amended in 1994 and now only half of the members of the Gram Panchayat need to sign the notice for calling the meeting of no confidence and not half the member of the Gram Sabha. It appears that in view of the earlier interim orders which had been wrongly passed by this Court, there arose a necessity for clarification from the State Government. In my view, this clarification is now no longer necessary since this Court holds that Rule 33B must be deemed to have been amended in view of Section 113 (2) of the Act and the

words "Gram Sabha" mentioned therein should be interpreted as "Gram Panchayat".

2. In view of this, I dispose of this petition finally with the direction that if half of the members of Gram Panchayat have signed the notice for calling the meeting of no confidence, the said meeting should be held expeditiously in accordance with law.