



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 9555 of 2026

Sant Raj Yadav

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Lal Chandra Srivastava, Neeraj Srivastava
Counsel for Respondent(s) : C.S.C.

Court No. - 36

HON'BLE ARUN KUMAR, J.

1. Heard Sri Lal Chandra Srivastava, learned counsel for the petitioner and learned Standing Counsel for the respondent nos.1 to 4.

2. The present writ petition has been filed challenging the order of the respondent no.2, District Magistrate, Jaunpur, dated 14.2.2026, ceasing the financial and administrative powers of the petitioner as Gram Pradhan of Gram Panchayat Paisiyahi Kala, Block Ramnagar, District Jaunpur, in exercise of power under Section 95(1)(g) of the U.P. Panchayat Raj Act, 1947, in contemplation of formal enquiry.

3. The facts of the case are that on a complaint made by certain villagers of Gram Panchayat Paisiyahi Kala, an Enquiry Committee was constituted by the District Magistrate by its order dated 05.05.2025. The said Enquiry Committee submitted its preliminary enquiry report on 7.7.2025 before the District Magistrate. Pursuant to the said enquiry report, a show cause notice dated 30.08.2025 was issued to the petitioner.

4. The perusal of the enquiry report and show cause notice shows that the enquiry was conducted in respect of 22 works carried out during the term of the petitioner as Gram Pradhan, out of which, he has been charged in respect of three works. Firstly, beautification of playground from the gaon sabha fund. Secondly, hand-pump re-bore carried out in the house of one Vivek and withdraw of money showing it to be public hand-pump and thirdly, construction of RRC Centre on private land. The petitioner submitted his reply before the District Magistrate on 23.09.2025, after

which, District Magistrate passed the order dated 14.02.2026, ceasing the financial and administrative powers of the petitioner in contemplation of formal enquiry, under Section 95(1)(g) of the U.P. Panchayat Raj Act, 1947.

5. It is contended by the learned counsel for the petitioner that in respect of three charges levelled against the petitioner, none of the charges involved any financial irregularity having caused loss to the gaon sabha fund. It is further contended by the learned counsel for the petitioner that each charges were explained by the petitioner, which has not been considered by the District Magistrate, while passing the order dated 14.02.2026. It has been further stated that the District Magistrate after reproducing the charges alongwith explanation submitted by the petitioner and findings of the Enquiry Officer has proceeded to hold that the petitioner has committed financial irregularity as a Gram Pradhan, without recording his *prima facie* satisfaction to the charges, after giving due consideration to the application submitted by the petitioner.

6. Learned Standing Counsel has tried to defend the order of the District Magistrate and contended that the construction of the RRC Centre over private land is admitted by the petitioner, therefore, money spent on it amounts to misappropriation of gaon sabha fund, as such, the enquiry initiated against the petitioner, stands justified.

7. I have considered the submissions made by learned counsel for the parties and perused the record.

8. The Enquiry Officer in respect of Charge No. 1, relating to development work carried out in the playground, has not recorded any finding of financial or other irregularity committed by the petitioner. The Enquiry Committee only records that the soil work done during the period of the petitioner as Gram Pradhan can be verified only after the Ex-Gram Pradhan is examined. The petitioner in his reply has categorically stated that playground is part of existing intermediate college over which during his period only filling of soil was done in which the labours were paid their wages from the MGNREGA Scheme.

9. In respect of second charge of re-bore of the hand-pump in Vivek's

house, the petitioner in his reply had stated that the hand-pump had been bored near the house of one Smt. Prema, who had enclosed this hand-pump within her boundary wall which has now been demolished, however, no financial irregularity has been pointed out in respect of the said charge by the Enquiry Officer. The third charge of construction of RRC Centre, though the petitioner has admitted its construction on the private land due to its immediate need, but he has clarified in his reply that a fresh RRC Centre is being constructed from his own pocket on the gaon sabha land.

10. Learned counsel for the petitioner contends that the use of gaon sabha fund in construction of RRC Centre has been made good by reconstruction of the RRC Centre on the gaon sabha land, therefore, no financial irregularity can be alleged for the said act. It has been further contended that in absence of any allegation of misappropriation of fund by the Gram Pradhan for his personal benefit or use, the financial and administrative powers could not have been ceases pending formal enquiry.

11. In support of his contention, learned counsel for the petitioner has relied upon Coordinate Bench judgment of this Court in the case of Brij Mohan Vs. State of U.P. and others, passed in Writ-C No.905 of 2025, dated 18.2.2025 and the Full Bench judgment delivered on 25.8.2025 in the aforesaid case. The Coordinate Bench in the case of Brij Mohan (supra), while dealing with the similar allegation, has held that a drastic order denuding the elected Pradhan of administrative and financial powers has been passed based upon misplaced reasoning and not considering specific replies. This Court further directed the final enquiry to be concluded by staying the order ceasing financial and administrative powers of the Gram Pradhan. The learned Single Judge by his aforesaid order drew the attention of the Hon'ble Chief Justice to form a Larger Bench to re-consider the judgment in the case of Vivekanand Yadav Vs. State of U.P. and Another, reported in 2011 (29) LCD 221, in so far as it holds that, "necessity of supplying the preliminary enquiry report does not arise in the facts and law, as not required under Section 95(1)(g) of the Act of 1947 read with U.P. Panchayat Raj (Removal of Pradhans, Up-Pradhans and Members) Enquiry Rules, 1997". It was further requested

that the conclusion by the Full Bench in the case of Vivekanand Yadav (supra) that, 'Pradhan has no right to object that the complaint and report are not in accordance with the Enquiry Rules, 1997 may be considered'. The Full Bench, constituted pursuant to the aforesaid order of the learned Single Judge, upheld the view of Full Bench in the case of Vivekanand Yadav (supra) holding that 'Gram Pradhan is not entitled to raise any objections regarding the complaint or report in terms of Rule 3 of the Enquiry Rules, 1997'. However, learned Single Judge referred the following question to the Larger Bench:-

"(i). Whether the Full Bench decisions in Vivekanand Yadav (supra) and Hafiz Attaullah Ansari (supra) have been correctly decided on the point of requirement of furnishing preliminary inquiry report/material, which is relied upon in the show cause notice for cessation of financial and administrative powers of a Gram Pradhan or Chairperson of municipality, in view of decisions of Hon'ble the Supreme Court in Natwar Singh (supra) and T. Takano (supra) as also the decision in Ravi Yashwant Bhoir (supra)?"

12. During the pendency of the said reference before the Larger Bench, the interim order granted by learned Single Judge was directed to continue.

13. In the case in hand, the facts are almost identical with the case of Brij Mohan (supra). Moreover, the respondent no.2 has not recorded any reason for his prima facie satisfaction of the charges levelled against the petitioner. In this case also, the preliminary enquiry report was not served to the Gram Pradhan (petitioner).

14. In view of the aforesaid, ceasing of the financial and administrative powers of the Gram Pradhan, pending formal enquiry, appears to be unjustified.

15. Matter requires consideration.

16. All the respondents may file counter affidavit within four weeks. Rejoinder affidavit, if any, may be filed within two weeks, thereafter.

17. List thereafter.

18. In the meantime, the effect and operation of the order dated 14.1.2026, passed by the District Magistrate, Jaunpur, so far as it ceases the financial and administrative powers of the petitioner, is stayed, till the conclusion of the final enquiry, which shall be concluded, expeditiously, preferably within a period of one month from the date of presentation of a certified copy of this order.

(Arun Kumar,J.)

March 20, 2026
Ranjeet Sahu