



2026:AHC:49466-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 280 of 2026

Suresh

.....Appellant(s)

Versus

State of U.P. and 4 others

.....Respondent(s)

Counsel for Appellant(s)	: Rajesh Nath Tripathi, Udai Shankar Chauhan
Counsel for Respondent(s)	: Meenakshi Singh, A.C.S.C., Namit Kumar Sharma, Deepak Kumar Jaiswal

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This appeal is directed against order dated 05.02.2026 passed by learned Single Judge in Writ-C No. 38320 of 2025 whereby the writ petition filed by respondent no. 5 against order passed by the District Magistrate, Ghazipur in exercise of powers under Section 95(1)(g) of the U.P. Panchayati Raj Act, 1947 ('Act') removing him as Gram Pradhan of Gram Panchayat Sanehua, Block Kasimabad, District Ghazipur has been set aside.

2. Counsel for the respondent no. 5 raised a preliminary objection that besides the fact that the appeal at the instance of the complainant is not maintainable, the appellant was not a party before the learned Single Judge and therefore, filing of the present appeal without seeking leave to appeal is not maintainable.

3. Counsel for the appellant attempted to make submissions that learned Single Judge in para 9 has noted the submissions made by the appellant, who had moved an application seeking impleadment, and therefore, the appeal can be entertained.

4. Merely because an application was filed before the learned Single Judge seeking impleadment and contentions, as raised by the appellant, were noticed by learned Single Judge by itself does not make the appellant as party to the litigation and therefore, filing of the present

special appeal without seeking leave of the Court, cannot be countenanced

5. So far as the objection pertaining to the complainant having *locus standi* to file the appeal is concerned, we notice that learned Single Judge, by the order impugned, after dealing with the aspect as raised and the fact that on the ground on which the respondent no. 6 was removed, came to the conclusion that the same did not fall within the parameters as laid down in Section 95(1)(g) of the Act and the expression 'abuse of position' as laid down by this Court in **Ishwar Dayal v. District Magistrate, Mainpuri and others : 1978 All.L.J. 1367**.

6. The mere fact that the appellant had made a complaint based on which the District Magistrate, took action under Section 95(1)(g) of the Act, by itself does not entitle the appellant to question the validity of the order passed by learned Single Judge setting aside the order as has been passed by the District Magistrate.

7. Another aspect, which is relevant, is that this Court in **Shamim v. State of U.P. : AIR 2018 Allahabad 196** has laid down that Special Appeal arising out of an order passed in a writ petition questioning the order of District Magistrate under Section 95(1)(g) of the Act, even otherwise, under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952, is not maintainable.

8. For all these reasons, we do not find any merit in the present appeal. The same is, therefore, **dismissed**.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

March 11, 2026

nd/vs