



2026:AHC-LKO:21944

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 2658 of 2026

Amar Nath Tiwari

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Panchayati Raj U.P.
Lko. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Rajeev Kumar Srivastava, Abhishek Shukla
Counsel for Respondent(s)	: C.S.C., Mohan Singh, Raghvendra Ojha

Court No. - 8

HON'BLE JASPREET SINGH, J.

Heard learned counsel for the petitioner. Notice on behalf of respondent nos. 1 to 4 has been accepted by the office of the learned Chief Standing Counsel. Sri Mohan Singh, learned counsel has accepted notice on behalf of respondent no. 5.

By means of the instant petition, the petitioner prays for the following reliefs:-

"(i) Issue a writ, order or direction in the nature of Certiorari to quash the impugned order dated 07.02.2026 passed by the District Magistrate, Barabanki whereby opposite party no. 2 exonerated the Gram Pradhan from the financial irregularities whereas there is sufficient material against Opposite Party No. 6/Jawahar Lal (Annexure No.1), in the interest of justice.

(ii) Issue a writ, order or direction in the nature of Mandamus commanding the Opposite Party No. 2 to dismiss the Village Pradhan as per Section 5-A of the U.P. Panchayat Raj Act, 1947, in the interest of justice."

Considering the nature of the relief and the controversy sought to be raised by the petitioner, a specific query was put to the learned counsel for the petitioner as to how the instant petition is maintainable whereby the petitioner is seeking an order in the nature of a certiorari in respect of an

order passed by the District Magistrate, Barabanki which in any manner does not impact or relates to the petitioner.

The learned counsel for the petitioner submits that he was the complainant and in furtherance thereof the proceedings were initiated against the private respondents.

It has further been urged that the aforesaid order is patently erroneous and illegal and an attempt is being made to protect a person who otherwise is guilty of misuse of public funds.

Be that as it may, the learned counsel for the petitioner was required to address the Court on the issue of maintainability regarding the right of the petitioner to assail the said order and whether the petitioner is an aggrieved person or whether he has the *locus-standi* to maintain the instant petition.

After making some submissions, the learned counsel for the petitioner has relied upon a Division Bench judgment of this Court in the case of **Kamla Devi v. State of U.P.; AIR Online 2024 All. 844** and submits that the core issue involved in the said petition permits the petitioner to maintain the instant petition.

Having considered the aforesaid Division Bench judgment, it would reveal that the issue that was referred to the said Larger Bench was recorded in paragraph 3(1). The said question came to be answered in paragraph 31 holding that the complainant is not a necessary party in the writ proceedings.

Thereafter the Division Bench went on to consider the issue of proper party from paragraph 34 onwards and thereafter it also held that in so far as the concept of proper party is concerned i.e. wholly discretionary. Ordinarily, the Court held that the complainant is neither a necessary or a proper party as held in paragraph 43 of the aforesaid judgment.

In view of the aforesaid, apparently, the said judgment does not come to the rescue of the petitioner.

Even otherwise, recently, a Division Bench of this Court in **Neeraj**

Kumar Singh v. Anand Kumar Mishra and 4 others;2026:AHC-LKO:19967-DB wherein this issue of aggrieved person and *locus standi* was considered.

For the aforesaid reasons, this Court does not find that the petitioner has ample locus to maintain the present petition which is dismissed as not maintainable at the behest of the petitioner.

(Jaspreet Singh,J.)

March 26, 2026

Asheesh