

Court No. - 40

Case :- WRIT - C No. - 12386 of 2018

Petitioner :- Kamlesh Singh And 2 Others

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Narendra Kumar Pandey, Sudha Pandey

Counsel for Respondent :- C.S.C., Pramod Kumar Singh, Tarun Agrawal

Hon'ble Saral Srivastava, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. This Court on 08.09.2021 passed the following order:-

"The petitioners are resident of Allahabad (now Prayagraj). According to them, by notification dated 30.11.2006 issued in exercise of power under clause (c) of Article 243-P of the Constitution read with Clause (45-A) of Section 2 of the Uttar Pradesh Municipal Corporation Act, 1959 (U.P. Act No. 2 of 1959), Allahabad Metropolitan area was notified for the purposes of Part-IX-A of the Constitution. Thereafter, in order to constitute Committee for metropolitan planning, as provided under Article 243-ZE of the Constitution and Section 57-A of Uttar Pradesh Municipal Corporation Act, 1959 (U.P. Act N. 2 of 1959), the Governor was pleased to notify Uttar Pradesh Metropolitan Planning Committee (Regulation of Procedure and Execution of its Functions) Rules, 2011. Under Rule 7 thereof, the State Election Commission has been invested with power of superintendence, direction and control of the preparation of electoral rolls for, and conduct of election of Chairperson and members of the Committee. By another notification dated 22.05.2014, the strength of Metropolitan Planning Committee for metropolitan area has been fixed as thirty members. The State Government vide communication dated 29.01.2015 requested the State Election Commission to initiate proceedings for constitution of the Metropolitan Planning Committee. In a Public Interest Litigation No. 4735 of 2016, this Court taking into consideration the letter of State Government dated 29.01.2015 directed the Election Commission to take steps to constitute Metropolitan Planning Committee expeditiously.

The grievance of the petitioners is that despite passage of almost five years since then, no step has been taken by the State Election Commission for constitution of Metropolitan Planning Committee. It is complete abdication of the duty and responsibility conferred upon respondent no. 6 by the Constitution and Statutes.

Learned Standing Counsel appearing on behalf of the State-respondents and Sri Tarun Agarwal, learned counsel for the respondent no. 6 pray for and are granted two weeks time to obtain instructions in the matter and file affidavit explaining why the Metropolitan Committees for metropolitan area notified by notification dated 13.11.2006 has not been constituted so far.

List on 22.09.2021."

2. Pursuant to the aforesaid order passed by this Court, a short counter affidavit on behalf of respondent No.6-UP State Election Commission and the affidavit on behalf of the respondents No.1 and 2 have been filed respectively.

3. Perusal of the short counter affidavit as well as the affidavit reflects that both are shifting the burden upon one and other for not holding the election of the Committee for Metropolitan Planning as provided under Article 243-ZE of the Constitution of India and Section 57-A of the U.P. Act No.2 of 1959.

4. Sri Tarun Arawal, learned counsel for the respondent No.6-UP State Election Commission submits that the State Election Commission has written a letter dated 27.08.2024 to the Principal Secretary, Urban Development, Government of UP, Lucknow for providing certain information for holding the election of the Committee for Metropolitan Planning. Copy of the said letter is taken on record.

5. Perusal of the aforesaid letter dated 27.08.2024 discloses that the letter is vague and does not describe as to what information/document is needed by the State Election Commission to hold the election of the Committee for Metropolitan Planning. When the letter of the State Election Commission is not specific, the State Government cannot give the information which is sought by the State Election Commission.

6. Sri Tarun Agrawal, learned counsel for the respondent No.6-UP State Election Commission submits that the State Election Commission shall issue a fresh letter within a period of ten days from today to the Principal Secretary, Urban Development, Government of UP, Lucknow specifying the requirement which is needed by the State Election Commission to hold the election of the Committee for Metropolitan Planning.

7. In view of the aforesaid submission of Sri Tarun Agrawal, learned counsel for the respondent No.6-UP State Election Commission, the State Election Commissioner is directed to issue a letter specifying the requirement of the information/document required for holding the election of the Committee for Metropolitan Planning to the Principal Secretary, Urban Development, Government of U.P., Lucknow within a period of ten days. The Principal Secretary, Urban Development, Government of U.P., Lucknow is directed to supply the information required by the State Election Commission by the said letter within a period of two weeks thereafter.

8. In the event of non-compliance of the aforesaid order, the Joint State Election Commissioner as well as the Principal Secretary, Urban Development, Government of U.P., Lucknow shall remain present before this Court on the next date fixed to assist the Court as to why the Joint Election Commissioner and the State Government are not coordinating for holding the election of the Committee for Metropolitan Planning which is a constitutional mandate provided under Article 243-ZE of the Constitution of India.

9. In case, the State Election Commissioner finds that all the information sought by him has been made available to the State Election Commission, the Joint Election Commissioner shall file personal affidavit indicating the period within which the State Election Commissioner shall hold the election of the Committee for Metropolitan Planning.

10. List this case on **29.08.2025** in top ten cases.

Order Date :- 28.7.2025

SS

(Arun Kumar Singh Deshwal,J.)

(Saral Srivastava,J.)