
(2021) 02 UK CK 0100

Uttarakhand High Court

Case No: Contempt Petition No. 64 Of 2021

Mohd. Irfan

APPELLANT

Vs

K.K. Upadhyaya And Another

RESPONDENT

Date of Decision: Feb. 25, 2021

Hon'ble Judges: Manoj Kumar Tiwari, J

Bench: Single Bench

Advocate: Shruti Joshi

Final Decision: Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. This Contempt Petition has been filed alleging willful disobedience of the order dated 09.05.2019 passed by Writ Court in WPMS No. 1261 of 2019.

By the said order, petitioner's writ petition was disposed of in terms of judgment dated 12.04.2019 rendered in WPMS No. 760 of 2019.

Paragraph no. 7 of the judgment rendered in WPMS No. 760 of 2019 is extracted below:

7. Accordingly, all the writ petitions are allowed. Respondent no. 4 is directed to permit the petitioners to replace their old vehicles with new ones

and register the new vehicles of the petitioners for mining work within three weeks from the date of production of certified copy of this order.

2. It is the case of the petitioner that the order passed by Writ Court was served upon the opposite parties in time, however, petitioner was informed

that since the mining activity is closed, therefore, his application will be considered as soon as mining restarts. Subsequently, when petitioner again

approached the authorities alongwith the application, then he was asked to apply in prescribed form, in which there is a clause at item no. 2, which

provides that only such applications will be considered which are covered by Contempt Petition No. 85 of 2020. This, according to the petitioner, amounts to willful disobedience of the order passed by Writ Court.

3. Without going into merits of the claim, this Court thinks that ends of justice would be met, if petitioner is permitted to make a representation to

Competent Authority, which shall be decided, in accordance with law, at the earliest.

4. Accordingly, the Contempt Petition is disposed of with liberty to petitioner to make representation to Divisional Logging Manager, Nandhaur, within

ten days from today. If such representation is made within stipulated period, the same shall be decided by the Competent Authority, in accordance

with law, within a period of four weeks from the date of receipt of representation alongwith certified copy of this order.

5. Let a certified copy of this order be issued within 24 hours.