
(2022) 01 UK CK 0028

Uttarakhand High Court

Case No: Writ Petition (PIL) No. 224 Of 2021

Amandeep Singh
(Male)

APPELLANT

Vs

State Of Uttarakhand
And Others

RESPONDENT

Date of Decision: Jan. 5, 2022

Citation: (2022) 01 UK CK 0028

Hon'ble Judges: Sanjaya Kumar Mishra, J; Alok Kumar Verma, J

Bench: Division Bench

Advocate: Prabha Naithani, J.C. Pande, N.S. Pundir

Final Decision: Disposed Of

Judgement

Sanjaya Kumar Mishra, J

1) In this case, the petitioner has prayed to issue a writ of mandamus directing the respondents not to acquire / take over the premises of "Naveen

Mandi Sthal, Bagwara, Rudrapur, Udham Singh Nagar, for the purpose of forthcoming Assembly Elections, and also to issue a writ of mandamus

directing the respondents not to cause any hurdle in the activities of sale and purchase of agricultural produces at the aforesaid "Naveen Mandi

Sthal.

2) The learned counsel for the petitioner submits that like every year, this year also, the "Naveen Mandi Sthal, is being used for the purpose of

sale and purchase of agricultural produces, and if the entire Mandi is taken over for the purpose of elections, then the poor agriculturists and

horticulturists will face insurmountable difficulty. It is also argued that in the previous year the entire Mandi was not taken over for the purpose of

election. Rather, a portion of the same was left for the operation of the agriculturists.

3) In view of the matter, as the learned counsel for the respondents are not in a position to provide appropriate instructions, we dispose of the Writ

Petition (PIL) giving liberty to the petitioner to file a fresh representation along with a certified copy of this order, as also the Annexure-3, annexed

with the writ petition. It will be proper if the petitioner submit a copy of the brief before the District Magistrate, Udham Singh Nagar / District Election

Officer, Udham Singh Nagar for his consideration. In such an event, the Opposite Party No. 2 shall consider the representation of the petitioner, and

after affording a reasonable opportunity of hearing to the petitioner and similarly situated persons, and having considered the grievances of the

petitioner dispose of the representation of the petitioner by way of a speaking and reasonable order. The Opposite Party No. 2 shall be at liberty to

have a physical verification of the spot.

4) The learned counsel for the petitioner undertakes that the petitioner shall submit a copy of the writ application along with a certified copy of this

order, as directed earlier, within a period of five days to the Opposite Party No. 2. The Opposite Party No. 2 shall take a decision thereon within ten

days thereafter.

5) Let a certified copy of this order be supplied to the learned counsel for the petitioner during the course of the day on payment of the usual charges.

6) There shall be no order as to costs.

7) The Interim Relief application (IA No. 01 of 2021) also stands disposed of.