
(2021) 11 UK CK 0049

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2353 Of 2021

Akshay Uniyal

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 12-11-2021

Acts Referred:

Citation : (2021) 11 UK CK 0049

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Sandeep Kothari, C.S. Rawat, Himanshu Aswal

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. A draft notification dated 28.10.2021 was issued by the State Government for upgrading Nagar Palika Parishad, Shrinagar as Nagar Nigam. In the said notification State Government has proposed to include certain rural areas within Municipal limits.

2. The aforesaid notification was published in newspapers on 30.10.2021. Grievance raised by the petitioner in the present writ petition is that only a week's time was granted to members of public for filing objection, if any, however, due to Diwali holidays, petitioner could not file objection.

3. Learned counsel for the petitioner submits that the State Government has deliberately chosen festival season for issuance of notification so that no one can file objection against the move of the State Government.

4. By means of this writ petition, petitioner has sought the following relief:-

"a) Issue a writ, order or direction in the nature of Mandamus directing the respondent authorities to issue a fresh revised notification with respect to the notification issued on 28.10.2021 and to grant further 15 days time to file

objection."

5. Having regard to the facts and circumstance of the case, this Court is of the opinion that ends of justice would be met, if petitioner is permitted to make a representation to the Competent Authority with further direction to the Competent Authority to take decision on petitioner's representation.

6. Accordingly, writ petition is disposed of with liberty to the petitioner to make representation/objection before District Magistrate, Pauri-Garhwal. If petitioner makes such representation/objection on or before 16.11.2021, the District Magistrate, Pauri-Garhwal shall place petitioner's representation/objection before the Committee constituted for considering such objection and decision thereupon shall be taken in accordance with law.