
(2021) 07 UK CK 0056

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1288 Of 2021

Anuj Gupta

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 08-07-2021

Acts Referred:

Citation : (2021) 07 UK CK 0056

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Shobhit Saharia, T.S. Phartiyal, Bhuwan Bhatt

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. Heard learned counsel for the parties through video conferencing.
2. According to the petitioner, he is elected Chairman of Nagar Palika Parishad, Mussoorie. He is aggrieved by the complaints made against him by certain individuals and also the order passed by Sub Divisional Magistrate, Mussoorie on such complaints, for holding inquiry.
3. By means of this writ petition, petitioner has sought the following reliefs:-
a) Issue a writ, order or direction in the nature of certiorari quashing the directions dated 11-6-2021, while declaring it to be non-est in the eyes of law and order dated 14-6-2021 passed by respondent no. 3 and order dated 19-6-2021 passed by respondent no. 4 and all consequential proceedings, undertaken against the petitioner behind his back, dehors the law and statutory provisions contained in U.P. Municipalities Act, 1916, as adopted, modified and amended in the State of Uttarakhand.

b) Issue a writ, order or direction in the nature of certiorari quashing the inquiry proceedings undertaken by respondent no. 2, and order dated 1-04-

2021.

c) Issue a writ, order or directions in the nature of Mandamus commanding the Respondent no. 1 to initiate appropriate disciplinary proceedings

against respondent no. 5, for the malafide, illegal and arbitrary actions taken by him and committing breach of directions issued by respondent no. 2,

and continuing to violate the directions, on the basis of directions, as received from higher level, which is unknown, under the Constitution and is in

breach of Rule of law.â??

4. A complaint made against an individual, be it a government servant or an elected representative, cannot be challenged before a writ Court unless it

entails civil or evil consequences to him.

5. Since no order prejudicing the rights of the petitioner has been passed, therefore, this Court is not inclined to entertain the writ petition at this stage.

6. Accordingly, the writ petition is dismissed as premature. No order as to costs.