

(2012) 02 UK CK 0045

In the Uttarakhand High Court

Case No : Writ Petition (PIL) No. 1058 of 2006

Bhagwati Prasad Dimri

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision : 29-02-2012

Acts Referred:

Citation : (2012) 02 UK CK 0045

Hon'ble Judges : Barin Ghosh, C.J;Umesh Chandra Dhyani, J

Bench : Division Bench

Judgement

Barin Ghosh, C.J.—This public interest litigation has been filed with an aim and object of ensuring removal of a firing range, mentioned in the writ petition, from the place where it is now functioning. The reason furnished in the writ petition is that because of the firing range a student has died an unnatural death and other people have suffered / sustained injuries. In the body of the petition, there is not even a single whisper that an action within or from the firing range resulted in the death or injuries outside the firing range and, accordingly, continuance of the firing range will not be in public interest. Referring to paragraph 14 of the counter affidavit filed by the Union of India, it was contended that as regards the injury referred to in paragraph 5 of the writ petition, according to the Union of India, such injury was sustained by the victim near his house and, accordingly, that suggests that an action conducted at or inside the firing range has caused an injury or death outside. In paragraph 5 of the petition it was pleaded that the children were playing inside the range, when they picked up bomb and got the same blasted outside the range. Thus children trespassed into the range, stole a bomb and thereafter could not manage the same. That being the situation, there is no scope of interference. It would be appropriate on the part of the writ petitioner to apprise the villagers not to trespass into the firing range for their own personal safety. With the observation as above, the writ petition is disposed of.