
(2023) 10 UK CK 0114

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1157 Of 2023

Bhajan Ashram

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 20-10-2023

Acts Referred:

Citation : (2023) 10 UK CK 0114

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : B.D. Pande, Bharat Tewari, Suyash Pant

Final Decision : Dismissed

Judgement

Ravindra Maithani, J

1. By means of the instant petition, the petitioner seeks the following reliefs:-

“(i) To issue a writ, order or direction in the nature of mandamus directing the respondents to pay adequate compensation to the petitioner on account of complete destruction of Bhajan Ashram building/property built by the petitioner on leased land at Kedarnath Puri, in the 2013 calamity and also on account of the demolition of the building of the petitioner and to provide alternate land to the petitioner for carrying out the ashram activities in the said area.

(ii) To issue any other suitable Order or Direction as this Hon’ble court may deem fit and proper under the facts and circumstances of the case.

(iii) To award the cost of the petition to the petitioner.”

2. Heard learned counsel for the parties and perused the record.

3. It is the case of the petitioner that he was granted lease of 5 Nali land in Kedarnath (“the land”). The petitioner had constructed an Ashram on that place. In the year 2013, due to floods in Kedarnath, the Ashram of the petitioner was partially destroyed, and, subsequently, it was completely demolished by the

State authorities to lay road in the said area. Therefore, compensation is sought. It is also the case of the petitioner that, in fact, the lease granted to the petitioner was rejected on 21.08.2015, by the Addiitonal Commissioner, Rudraprayag, in Misc. Case No. 01 of 2015, State Vs. Kedarnath Bapodia, ("the case"). The petitioner challenged the order dated 21.08.2015 passed in the case in a revision, which was dismissed on 12.01.2022, by the Board of Revenue, Dehradun.

4. Learned counsel for the petitioner would submit that petitioner's property, the lease land was destroyed by the floods in Kedarnath. Subsequently, it was demolished, but no compensation has been granted. It is also argued that, in fact, in the year 2015, the lease granted in the favour of the petitioner had been cancelled by the respondent no.2, the District Magistrate, Rudraprayag. That order was unsuccessfully challenged in the revision. Now, a writ petition is pending against those orders, by which the lease of the petitioner was cancelled.

5. Reference has been made to certain Government Orders, which are with regard to rehabilitation and compensation.

6. Admittedly, the floods affected the Kedarnath Dham in the year 2013. The lease of the petitioner was cancelled by the respondent no.2, the District Magistrate, Rudraprayag, on 21.08.2015. The order has been filed as Annexure No.5 to the writ petition. It reveals that the lease has been cancelled on the ground that the petitioner was using the premises for commercial purposes. The order dated 21.08.2015 reveals that, in fact, the Ashram was not destroyed by the floods. In his objections filed in the case, the petitioner had admitted that some portion of the leased land was affected by the flow of river Saraswati. Therefore, some workers were accommodated in the leased premises, so as to raise a wall, which means that the petitioner admits that the Ashram was not destroyed in the floods.

7. In view of it, there is no question of rehabilitation and compensation. The petitioner's lease has been cancelled. That order was challenged in the revision, and it is stated now that a writ petition is pending. Therefore, there is no reason to entertain the writ petition. It deserves to be dismissed at the stage of admission itself.

8. The petition is dismissed in limine.