
(2020) 03 UK CK 0028
In the Uttarakhand High Court
Case No : Writ Petition (PIL) No. 14 Of 2020

Dayal Singh

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 06-03-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 03 UK CK 0028

Hon'ble Judges : Ramesh Ranganathan, CJ; Ravi Malimath, J

Bench : Division Bench

Advocate : Abhijay Negi, Sandeep Kothari, Vikas Pande

Final Decision : Disposed Of

Judgement

Ramesh Ranganathan, CJ

1. Heard Sri Abhijay Negi, learned counsel holding brief of Sri Sandeep Kothari, learned counsel for the petitioner and Sri Vikas Pande, learned

Standing Counsel for the State, and, with their consent, the writ petition is disposed of at the stage of admission.

2. The jurisdiction of this Court has been invoked seeking a writ of mandamus directing the respondents to relocate the tube-well from the proposed

location i.e. in the field of Ambeen Chand, Khata No. 16, so that the entire village may be benefited.

3. Facts, as stated in the writ affidavit, are that the petitioner is a permanent resident of Village Bailparao and a farmer. He has espoused the cause in

this Writ Petition, in the larger public interest of the farmers in the village, seeking relocation of a tube-well, and thereby ensure that the irrigation

needs, of agriculturalists in the entire village, are catered to. The petitioner contends that the present location would impede free flow of water from

the tube-well as it is lower in height; and it may require motor pumps to be installed to extract, and supply water, to the fields; and if the alternative

place suggested by them is chosen, as the location to set up the tube-well, the flow of water would be far better.

4. When we asked Sri Abhijay Negi, learned counsel, as to how this Court, in the exercise of its jurisdiction under Article 226 of the Constitution of

India, would be justified in undertaking the task of examining whether or not the present location, where the tube-well is proposed to be installed,

would be suitable, as this Court lacks expertise in such matters, he would state that it would suffice if this Court were to direct the District Magistrate

to consider the petitioner's representation, take a considered decision, and communicate the same to the petitioner.

5. Suffice it, while disposing of the writ petition, to observe that, in case the petitioner submits a representation in this regard, the District Magistrate,

Nainital shall examine the feasibility of shifting the location of the tube-well, and take a considered decision thereupon in accordance with law; and

communicate the same to the petitioner at the earliest and, in any event, within one month from the date of receipt of the representation.

6. We make it clear that we have not expressed any opinion regarding the proposed location of the tube-well for these are all matters for the District

Magistrate to consider in accordance with law.

7. The writ petition is disposed of accordingly. No costs.