
(2021) 01 UK CK 0044

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2570 Of 2020

Deepak Bijalwan

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 07-01-2021

Acts Referred:

Citation : (2021) 01 UK CK 0044

Hon'ble Judges : R.C. Khulbe, J

Bench : Single Bench

Advocate : U.K. Uniyal, Vikas Bahuguna, C.S. Rawat

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. Petitioner is an elected Chairman of Zila Panchayat, Uttarkashi. By means of this writ petition, petitioner has sought following reliefs:

â??i. A writ, order or direction in the nature of certiorari to call for entire records of the case and quash the impugned order dated 22.12.2020 passed

by respondent no. 2. (Annexure no. 1 to the writ petition).

ii. A writ, order or direction in the nature of mandamus directing and commanding respondents not to interfere in the day to day working of the

petitioner as Chairman Zila Panchayat, Uttarakashi without adopting due process known to law.

iii. A writ, order or direction in the nature of mandamus directing and commanding respondent no. 4 to forthwith return the records of Zila Panchayat,

Uttarkashi which has been illegally seized.â??

2. In sum & substance, petitioner is challenging the order passed by Secretary, Panchayati Raj Department on 22.12.2020. By the said order, District

Magistrate, Uttarkashi has been appointed as Enquiry Officer to look into the allegations made against the petitioner in a complaint, which is in the shape of an affidavit, made by some Members of Zila Panchayat.

3. It is the contention of learned Senior Advocate for the petitioner that, since in the earlier writ petition filed by the petitioner, a statement was made on behalf of the State Government that State Government shall not proceed against the petitioner, pursuant to the earlier order dated 10.11.2020, which was impugned in the said writ petition. Thus, it is the submission of learned Senior Advocate for the petitioner that, after giving such a statement, the State Government cannot order for an enquiry.

4. The order impugned in this writ petition has also been challenged on the ground that the complaint made against the petitioner is not as per the statutory requirement. However, this Court is not inclined to entertain this writ petition, as no legal injury has been caused to the petitioner as yet.

Appointment of an Enquiry Officer does not cause any prejudice to the petitioner.

5. Accordingly, the writ petition is dismissed, with liberty to petitioner to approach this Court, as and when cause of action arises to him.

6. Let a certified copy of this order be issued within 24 hours.