
(2022) 09 UK CK 0148

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2380 Of 2022

Gulab Singh And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 30-09-2022

Acts Referred:

Citation : (2022) 09 UK CK 0148

Hon'ble Judges : Vipin Sanghi, CJ; R.C. Khulbe, J

Bench : Division Bench

Advocate : T.A. Khan, Mohd. Shafy, S.S. Chaudhary

Final Decision : Disposed Of

Judgement

Vipin Sanghi, CJ

1. The petitioner has preferred the present Writ Petition to seek the quashing of the order dated 10.08.2019 passed by respondent no. 2, i.e. the Chief Development Officer, District Udham Singh Nagar, whereby he cancelled the allotment of shops made in favour of the petitioners. The petitioners also seek a direction that the said allotments should be continued in favour of the petitioners, in respect of the shops in Kashipur in District Udham Singh Nagar.

2. It appears that the petitioners were allotted one shop each, except Smt. Usha Rani (petitioner no. 2), who was allotted two shops, in a process, which was subsequently found by a Committee of three officers to be not transparent. Consequently, on the basis of the report of the Committee dated 26.07.2019, the respondent no. 2 proceeded to cancel the allotments.

3. The submission of the learned Senior Counsel for the petitioners is that the petitioners were not responsible for the said irregularity and should, therefore, not be made to suffer.

4. The question is not whether the petitioners were involved in the irregularity, or not. They were, however, the beneficiaries of the irregularity. The shops were

public property, and it was the obligation of the State to ensure that their allotment should be made in a transparent way, at the best prices that they could fetch, as the proceeds thereof would go into the public exchequer.

5. The report made by the three member Committee, which found that the process was not duly advertised by the respondent-authorities, is a fact finding report, and the same cannot be challenged in these proceedings.

6. The submission of the learned Senior Counsel for the petitioners is that the petitioners may be granted a preferential right.

7. Once again, we do not find any reason to issue any such direction. It shall be open to the petitioners to participate in the next round of tender/ auction, which should be held in a transparent way, with due publication and notice to the public at large. We leave it open to the petitioners to pursue their civil claim in respect of the amounts deposited by them towards allotment of shops in their favour.

8. The Writ Petition is, accordingly, disposed of.

9. In sequel thereto, pending application, if any, also stands disposed of.