
(2021) 04 UK CK 0022

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 816 Of 2021

Hemvati Nandan Bahuguna Garhwal University

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 06-04-2021

Acts Referred:

Citation : (2021) 04 UK CK 0022

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Dr. Kartikey Hari Gupta, Rakesh Kunwar

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. This Writ Petition has been filed by H.N.B. Garhwal University seeking following reliefs:-

"(i) A Writ/Order or Direction in the nature of Certiorari calling for records and set-aside the impugned mining/river training license dated 25.03.2021 (Annexure No.1)

(ii) A Writ Order or Direction in the nature of Mandamus directing the respondent no. 3 to decide the representation of the petitioner dated 16.02.2021 (Annexure No. 9.) by passing a reasoned and speaking order.

(iii) A Writ Order or Direction in the nature of Mandamus directing the respondents not to allow any mining/river training activity in Village Madhi, Patti Chauras, District Tehri Garhwal."

2. In sum and substance, petitioner is challenging the mining license granted by District Magistrate, Tehri Garhwal in favour of respondent no. 5. The said license has been granted under River Training Policy, 2020.

3. According to learned counsel for the petitioner, the license granted to

respondent no. 5 to excavate minor-mineral from the river-bed adjacent to university campus, is posing threat to the property of the university. He submits that the license has been granted under the garb of River Training Policy, 2020 without proper demarcation.

4. After arguing for a while, learned counsel for the petitioner submits that petitioner has made a representation to District Magistrate, Tehri Garhwal on 16.02.2021. He confines his prayer and submits that District Magistrate, Tehri Garhwal be directed to take decision on the said representation.

5. The prayer made is innocuous, therefore is worth accepting.

6. Having regard to the facts and circumstances of the case, Writ Petition is disposed of with a direction to District Magistrate, Tehri Garhwal to consider and decide petitioner's representation dated 16.02.2021, in accordance with law, as early as possible, preferably within a period of four weeks from the date of production of certified copy of this order along with copy of representation.

7. It goes without saying that while taking decision on petitioner's representation, District Magistrate shall hear respondent no. 5 and other stakeholders, if any.