

(2011) 03 SHI CK 0276
In the High Court Of Himachal Pradesh
Case No : CWP No. 513 of 2011

Jagmohan Singh

APPELLANT

Vs

Principal Conservator of Forests and Others

RESPONDENT

Date of Decision : 28-03-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 03 SHI CK 0276

Hon'ble Judges : V.K. Ahuja, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

V.K. Ahuja, J.—By way of the present writ petition, the Petitioner has challenged the order dated 18.1.2011. The Petitioner was also one of the persons who submitted tender for Lot Nos. 4, 6, 11, 12 and 15 for Bagthan Forest Working Division, Nahan, District Sirmour, H.P. The Petitioner's tender as well as tenders of others were opened on 18.1.2011. But as per the reply filed by the Respondents, these were not finalized on 18.1.2011 since these were to be finalized by the Director (South), Forest Corporation. It was finalized only on 2/3.2.2011. Therefore, the Petitioner had not correctly alleged that the tenders were opened on 18.1.2011 accruing a cause of action in his favour to file the petition. He alleged that tenders were allotted on 18.1.2011 and he has spent huge amount thereafter for starting the work for extraction of resin. However, the facts as brought on record show that no award letter was issued to the Petitioner on 18.1.2011 and, therefore, no cause of action has arisen to the Petitioner for filing the present writ petition. The cause of action had arisen to the Petitioner, if any, after the date of allotment on 2/3.2.2011 and the Petitioner has not alleged any illegality in the said order passed by the Forest Corporation. There is nothing on record to show that tenders were opened on 18.1.2011 and the work was allotted to the Petitioner and there is no allotment order or acceptance of the tender as submitted by the learned Counsel for the Petitioner

as on that date. Therefore, no cause of action has arisen to the Petitioner to file the present petition and Petitioner's allegation that he had started work of extraction on his own cannot give any cause of action to him. Thus, no case is made out for exercising the writ jurisdiction under Article 226 of the Constitution of India.

2. In view of the above, the writ petition stands dismissed, so also the pending miscellaneous application(s), if any.