

(2021) 06 UK CK 0119

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1130 Of 2021

Manila Resorts Pvt. Ltd

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 25-06-2021

Acts Referred:

Citation : (2021) 06 UK CK 0119

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : S.R.S. Gill, T.S. Phartiyal, G.S. Negi, Pradeep Hariya

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. By means of this writ petition, petitioner has sought the following reliefs:

â??a. Issue a writ, order or direction in the nature of Certiorari quashing the order dated 18-03-2020 passed by respondent No. 4 and further to direct

the respondent No. 4 to de-seal the property of the Petitioner;

b. Issue a writ, order or direction in then nature of mandamus directing the Respondent No. 4 to pass an order over the application of the Petitioner

submitted for sanction of the Map;

c. Issue a writ, order or direction in then nature of mandamus directing the Respondents not to initiate any coercive action against the petitioner

without adopting due process of law and judicial application of mind;â??

2. Learned Additional C.S.C. has raised a preliminary objection that, in view of availability of statutory remedy of filing Appeal against the sealing

order, the prayer no. (a) cannot be granted to the petitioner.

3. This Court finds substance in the objection raised by learned Additional C.S.C.
4. In such view of the matter, petitioner shall be at liberty to approach the appropriate Appellate Authority against the sealing order dated 18.03.2020.
If petitioner files an Appeal within a period of two weeks from today, the Appellate Authority shall consider & decide the same on merits, as early as possible, preferably within a period of six monthsâ?? from the date of filing of Appeal alongwith certified copy of this order.
5. Learned counsel for the petitioner submits that petitionerâ??s application for sanction of map submitted on 04.08.2020 is still pending consideration before the Prescribed Authority, District Development Authority, Almora.
6. Learned Additional C.S.C. submits that appropriate order shall be passed on the said application submitted by the petitioner, if not already passed, within a period of three months.
7. Accordingly, the writ petition is disposed of by placing the submission of learned Additional C.S.C. on record.
8. Let a certified copy of this order be issued by 28.06.2021.