

(2024) 11 UK CK 0099

In the Uttarakhand High Court

Case No : Writ Petition Miscellaneous Single No. 2885 Of 2024

Mohan Singh Bisht

APPELLANT

Vs

Managing Director Kumaon Mandal Vikas Nigam Ltd And
Others

RESPONDENT

Date of Decision : 11-11-2024

Acts Referred:

Citation : (2024) 11 UK CK 0099

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Manvendra Singh, Sandeep Kothari

Final Decision : Dismissed

Judgement

Pankaj Purohit, J

1. By means of this writ petition, the petitioner has moved this Court by filing a present writ petition seeking indulgence of this Court for quashing the orders dated 29.08.2024 and 23.09.2024 (annexure nos.7 and 8), passed by respondent no.3, whereby request for extension of lease has been rejected and further arrears of rent has been demanded from the petitioner.

2. Facts of the case shorn-off unnecessary details are that petitioner was granted a lease of a Tourist Information Centre, Dwarahat, District Almora in the year 2015 initially for a period of three years w.e.f., 01.09.2015. The said period of lease was renewed from time to time, which is now going to be expired on 30.11.2024.

3. The petitioner moved a representation to the respondent-K.M.V.N. for extension of the aforesaid lease for a further period of 5 years.

4. The said application of the petitioner has been rejected under the hand of respondent no.3 vide order dated 29.08.2024 (annexure no.7) on the basis of policy decision taken by State Government dated 23.09.2022 whereby the State

Government has directed the respondent-K.M.V.N. not to lease out the property-Tourist Information Centre in favour of private persons any further. Vide order dated 23.09.2024 respondent no.3 has demanded arrears of rent from the petitioner. It is feeling aggrieved by these two orders petitioner is before this Court.

5. This Court vide order dated 22.10.2024 asked learned counsel for the respondents to seek instructions in the matter that as to whether lease can be renewed in favour of the petitioner any further or not.

6. Today, on instructions, it is submitted by learned counsel for the respondents that since the policy decision has been taken by the State Government on 23.09.2022 not to lease out properties of K.M.V.N. in favour of the private persons, therefore, lease cannot be renewed or extended beyond 30.11.2024 in favour of the petitioner.

7. In view of the statement made by learned counsel for the respondents that since a policy decision has been taken by State Government and the respondents are bound by the policy decision taken by the State Government and further the State Government has not been impleaded as party-respondent in the writ petition and policy decision has not been challenged, therefore, this Court cannot pass any order in favour of the petitioner.

8. Accordingly, writ petition is dismissed in limine.