

(2024) 12 UK CK 0114

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 3455 Of 2024

M/s Shivalik Travels

APPELLANT

Vs

District Panchayat, Uttarkashi And Others

RESPONDENT

Date of Decision : 19-12-2024

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2024) 12 UK CK 0114

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Sagar Kothari, B.S. Negi, Ganesh Kandpal

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. Present Writ Petition has been filed under Article 226 of the Constitution of India with the following prayers: -

“(i) Issue a writ, order or direct ion in the nature of certiorari, quashing the impugned recovery citation issued by respondent no. 4 (Annexure No. 6 to this writ petition).

(ii) Issue a writ, order or direction in the nature of certiorari, calling for entire records and quashing the entire recovery proceedings initiated by respondent no. 1 against the petitioner for recovering the amount due

under the contract as recovery of dues as arrears of land revenue.

(iii) Issue any other relief, which this Hon’ble Court may deem fit and proper in the circumstances of the case be passed in favour of the petitioner.

(iv) Award the cost of writ petition in favour of petitioner.”

2. Heard Mr. Sagar Kothari, learned counsel for petitioner, Mr. B.S. Negi, learned counsel for respondent no. 1 and Mr. Ganesh Kandpal, learned Deputy Advocate

General for respondent nos. 2 to 4.

3. Mr. Sagar Kothari, Advocate, has submitted that a proposal through the affidavit of Mr. Tushar Nath, the proprietor of the petitioner dated 18.12.2024 has been filed. As per the proposal, the petitioner had deposited Rs.1,00,000/- (Rupees One Lakh) as security in the form of FDR and after adjusting the said amount of Rs.1,00,000/- (Rupees One Lakh) and interest accrued on it, the petitioner is ready to deposit the balance amount of Rs.3,95,352/- (Rupees Three Lakh Ninety Five Thousand Three Hundred Fifty Two) in the following manner: -

“(i) Rs.1,50,000/- before 24.12.2024;

(ii) The balance amount of Rs.2,45,352/- before 17.02.2025.”

4. Learned counsel for the respondents, on instructions, agree with the said proposal.

5. With the consent of both the parties, the present Writ Petition (No.3455 of 2024) is disposed of with a direction to the petitioner to deposit Rs.1,50,000/- (Rupees One Lakh Fifty Thousand) by 24.12. 2024 and the remaining amount, after adjusting Rs.1,00,000/- (Rupees One Lakh) and interest accrued on it ,by 17.02.2025.

6. Subject to the said directions, the entire recovery proceedings initiated by respondent no. 1 against the petitioner are kept in abeyance.