
(2018) 04 UK CK 0046
In the Uttarakhand High Court
Case No : Writ Petition (M/S) No.868 of 2018

NUSRAT BANO

APPELLANT

Vs

STATE OF UTTARAKHAND AND OTHERS

RESPONDENT

Date of Decision : 12-04-2018

Acts Referred:

Uttarakhand Panchayati Raj Act, 2016 — Section 23

Citation : (2018) 04 UK CK 0046

Hon'ble Judges : SUDHANSHU DHULIA, J

Bench : Single Bench

Advocate : Mohd. Matloob, K.S. Mehta

Final Decision : Dismissed

Judgement

1. The petitioner is a Gram Pradhan of Village Panchayat, Sahaspur, District Dehradun. According to the petitioner, for the last thirty to forty years, weekly Haat Bazaar is being held on every Sunday in her village. Now a new Panchayat, namely, Shankarpur has been formed, which is having its week Haat Bazaar also on Sundays, which is adversely affecting the Haat Bazaar of petitioner's village.
2. As per Section 23 of the Uttarakhand Panchayati Raj Act, 2016, one of the functions of the Gram Panchayat is that subject to such conditions as may be specified by the State Government from time to time, a Gram Panchayat shall perform the following functions, namely, regulation of melas, markets and Hats in Panchayat areas.
3. Thus, it is clear that under the provisions of the aforesaid Act, it is the village who has got the powers to hold Haat Bazaar and this right is vested with the particular Village Panchayat and if the newly created Village Panchayat has decided to hold its own Haat Bazaar on Sunday,

there is absolutely no illegality in the same, and therefore, no interference can be made by this Court.

4. Consequently, the relief as sought by the petitioner cannot be granted. The writ petition fails and it is hereby dismissed in limine.