
(2010) 12 UK CK 0059
In the Uttarakhand High Court
Case No : Special Appeal No. 227 of 2010

Puran Singh Rauthan

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 08-12-2010

Acts Referred:

Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 — Section 43

Citation : (2010) 12 UK CK 0059

Hon'ble Judges : Barin Ghosh, C.J.;V.K. Bist, J

Bench : Division Bench

Judgement

Barin Ghosh, C.J.—The Appellant, a blind person, seeks allotment of a house plot by the Government in his favour in the village where he is residing so as to enable him to attend the school at which he is teaching without any discomfort. The Appellant claims to be 100 percent blind and accordingly, is entitled to the rights and benefits provided to the persons with disability by and under Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. For the purpose as above, Appellant approached the Writ Court and drew attention of the provisions contained in Section 43 of the Act. The Court noticing that no scheme for allotment of house land has been framed by the State, held that it is not in a position to issue a mandamus as was sought for. There appears to be no scope of interference with the findings and the decision rendered by the Writ Court, inasmuch as, no mandamus can be issued in the backdrop of the claim put forward in the absence of a scheme framed by the Government. It appears that despite no such scheme having been framed, a house land was allotted in favour of the Petitioner which was cancelled and that prompted the Petitioner to approach the Court. Inasmuch as, the land in question, which was allotted to the Petitioner, could not be allotted in the absence of a scheme to that effect, the said allotment had to be cancelled.

2. We, accordingly, refuse to interfere in the appeal. It shall, however, be open to the Petitioner to take such appropriate action as he may be advised for the

purpose of compliance of the obligations u/s 43 of the Act by the authorities mentioned therein.