
(2012) 03 UK CK 0024

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 477 of 2012.

Sangeeta Agarwal

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 22-03-2012

Acts Referred:

Citation : (2012) 03 UK CK 0024

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

Hon'ble B.S. Verma, J.—Heard. By means of this writ petition, the petitioner has sought a writ in the nature of certiorari to quash the order dated 9-2-2012 passed by Up Zila Adhikari Haridwar, district Haridwar (Annexure-12 to the writ petition).

2. The main ground of challenge raised by the petitioner is that no opportunity of hearing was given to her prior to cancellation of her domicile certificate.

3. Learned Brief Holder for the State has submitted that this writ petition may be disposed of as on today without inviting counter version.

4. It appears that the petitioner was appointed on the post of PRT in Maharshi Vidya Mandir vide appointment letter dated 19-7-1999 (Annexure-3 to the petition). The petitioner applied for obtaining domicile certificate after getting the necessary formalities completed and thereafter she was given domicile certificate in the year 2001. It also appears that the petitioner got married in the year 1990 with Mr. Ajay Kumar Agarwal, a resident of district Saharanpur, but by a decree of divorce dated 30-11-2009, the marriage between them had been dissolved, hence the petitioner had no concern with the district Saharanpur since 30-11-2009.

5. The grievance of the petitioner is that no notice was received by her and that in the impugned order, it has been mentioned that the petitioner has been

residing in district Saharanpur along with her husband, while the divorce decree had already been passed on 30-11-2009. It is also mentioned in the impugned order that a registered letter dated 18-9-2001 was sent to the petitioner to put forth her explanation.

6. The fact that the petitioner had not been residing in district Saharanpur since after 30-11-2009 has not been seriously disputed from the other side.

7. By a bare perusal of the impugned order, it reveals that no opportunity of hearing was afforded to the petitioner before passing the impugned order.

8. In the above facts and circumstances, to meet the ends of justice, the respondent no.3-Up Zila Adhikari Haridwar is directed to afford opportunity of hearing to the petitioner and then to pass the order afresh in accordance with law. The petitioner is directed to appear before the respondent no.3 on 16-4-2012 and she may file objection against the enquiry reports. Till a fresh decision is taken by the respondent no.3 after hearing the petitioner in the matter, the impugned order dated 9-2-2012 shall be kept in abeyance.

9. With the above direction, the writ petition is disposed of finally. All pending applications stand disposed of.