

(2020) 08 UK CK 0001

In the Uttarakhand High Court

Case No : Writ Petition (PIL) No. 49 Of 2019

Satish Chandra Sharma

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 04-08-2020

Acts Referred:

Citation : (2020) 08 UK CK 0001

Hon'ble Judges : Ravi Malimath, J; Narayan Singh Dhanik, J

Bench : Division Bench

Advocate : Vivek Shukla, K.N.Joshi, V.K.Kohli, Kanti Ram Sharma, Arvind Kumar Sharma, Narendra Bali, B.M.Pingal

Final Decision : Disposed Of

Judgement

Ravi Malimath, J

1. This petition is filed in public interest by the writ petitioner. It is his case that the State of Uttarakhand floated a scheme on 17.05.2002 namely the

â??Tourism Self-employment Scheme Rules, 2002â? for the unemployed youth of the State for self employment etc. relating to tourism development.

It is his case that on the interference of the then Member of Legislative Assembly - the respondent no. 6, respondents no. 7 to 18 have been wrongly

sanctioned loans under the said scheme. Respondent nos. 7 to 18 were neither eligible nor entitled to apply for the loan under the said scheme. Hence,

the instant writ petition.

2. Counter affidavits have been filed by the contesting respondents. The sum and substance of the counter affidavits is that the scheme, as floated by

the State Government in the year 2002, has not been violated. The conditions in terms of the said scheme have been complied with by the

respondents. There is no violation of law. The petition is filed only to wreak vengeance on them.

3. Learned counsel for the respondent no. 6 submits that reckless allegations have been made against him. He has no role to play in the grant of loans

to respondents no.7 to 18. The writ petition has been filed with an ulterior motive to cause loss of reputation to respondent no. 6. Hence, he submits

that not only the writ petition be dismissed but the petitioner be imposed with heavy costs.

4. Learned deputy advocate general appearing for the State submits that irrespective of the contentions being advanced, the State Government has no

objection for initiating an inquiry into the matter. He submits that there is no violation of the scheme and every loan under the scheme was sanctioned

in accordance with law and as per procedure prescribed by law. Notwithstanding the same, the State Government has no objection for initiation of an

inquiry into the matter. Therefore, he submits that without going into the merits of the writ petition, his statement may be noted that the government

will appoint a high level committee to conduct an inquiry with regard to the sanction of loans under the scheme.

5. In view of the submissions made, we do not find it appropriate to proceed further in the matter. It is not for this Court to determine whether the

allegations of the petitioner are true or not, on the one hand, or to determine whether the plea of the respondents is true or not. Since the government

has offered to initiate an inquiry, we dispose off this writ petition by noting the undertaking of the learned deputy advocate general. However, based on

the counter affidavits filed by the respondents, we would like to observe that in case, the findings in the enquiry go against the writ petitioner, the writ

petitioner would be liable for prosecution.

6. For the aforesaid reasons, the petition is disposed off. The submission of the learned deputy advocate general is placed on record to the effect that

a high level committee will be constituted to conduct an inquiry into the correctness of the loans sanctioned to the beneficiaries under the scheme. If

the inquiry report goes against the petitioner, he is liable for prosecution.

7. The petition is disposed off accordingly.