
(2024) 04 UK CK 0081

In the Uttarakhand High Court

Case No : Writ Petition (PIL) No. 83 Of 2020

Suratmani Paliwal

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 16-04-2024

Acts Referred:

Citation : (2024) 04 UK CK 0081

Hon'ble Judges : Ritu Bahri, CJ;Rakesh Thapliyal, J

Bench : Division Bench

Advocate : J.C. Pande

Final Decision : Dismissed

Judgement

Ritu Bahri, CJ

1. The present PIL has been filed seeking a direction to constitute a Special Investigation Team (SIT), with regard to the embezzlements done by respondent 11 during his tenure as Village Pradhan of Village Panchayat Kwili, Post Magron, Tehsil Devprayag, District Tehri Garhwal, with a further direction to the respondents not to construct Moltha-Nekhri Motor Road, by deforestation, in between Panghat - Talli Machhiyari, since a civil land was available for the said purpose.

2. After notice of this Petition, a counter affidavit dated 14.08.2020 has been filed by the Assistant Engineer, Temporary Division, Public Works Department. In this affidavit, it is stated that the Government has approved the motor road in the constituency of Devprayag from Kwili to Nekhari, along from Macchiyari (approximately 8 km in 1st Phase) vide Government Order dated 29.02.2016, for which approval has been obtained by the administrative level. Vide letter dated 30.08.2016-Annexure No. CA-2, sanction has been given by the Superintending Engineer, and vide letter dated 02.09.2019-Annexure No. CA-3, approval has been obtained from the Ministry of Environment Forest and Climate Change, Government of India.

3. Another counter affidavit has been filed by the District Panchayat Raj Officer, Nainital dated 01.09.2020. With regard to the allegations of embezzlement, vide letter dated 04.07.2020-Annexure No. CA-2, a direction has been given by the Director, Panchayat Raj to the District Magistrate, Tehri Garhwal to constitute a District Level Committee for doing inquiry.
4. As per the Compliance Affidavit dated 23.09.2021, the Committee constituted has gone to the area on 13.07.2020 and 15.07.2020, and after perusing the entire records relating to the said period, regarding the development works, and taking evidence of the complainants, as well as the affected persons, has given a report to the District Magistrate, through the Chief Development Officer, Tehri Garhwal on 23.07.2020-Annexure No. 3. Thereafter, a letter was sent to respondent nos. 2 & 3 on 05.08.2021, informing about the directions given by this Court dated 04.08.2021. The said letter is Annexure No. 4. As per the Inquiry Report-Annexure No. 5, at Page No. 154 of the paper-book, 08 persons have been found guilty of the embezzlement, and notices have been issued to those persons for initiating disciplinary proceedings against them for recovery.
5. Since, after inquiry, necessary steps have been taken for recovery, no directions are required to be given in the present PIL.
6. The Writ Petition (PIL) is, accordingly, dismissed.
7. Pending application(s), if any, also stand disposed of accordingly.