
(2022) 08 UK CK 0096
In the Uttarakhand High Court
Case No : Special Appeal No. 305 Of 2022

Umesh

APPELLANT

Vs

District Magistrate, Collector District Pauri Garhwal & Others

RESPONDENT

Date of Decision : 29-08-2022

Acts Referred:

Citation : (2022) 08 UK CK 0096

Hon'ble Judges : Vipin Sanghi, CJ;R.C. Khulbe, J

Bench : Division Bench

Advocate : Siddhartha Singh, P.S. Bisht, Pradeep Joshi, Shivanand Bhatt

Final Decision : Disposed Of

Judgement

Vipin Sanghi, CJ

1. The appellant is aggrieved by the order dated 27.07.2022, passed by the learned Single Judge, in Writ Petition (M/S) No.1764 of 2022.
2. The grievance of the appellant is that the learned Single Judge issued notice in the matter, returnable on 21.09.2022. However, no interim protection was granted to the appellant-writ petitioner in the meantime. The case of the appellant is that he has been awarded the contract to collect the maintenance fees by the respondent no.2. However, he is being obstructed by respondent no.3, who is the local MLA, by use of force from enforcing his contract.
3. The submission is that if the appellant is not able to collect the maintenance fees, he would not be able to fulfill his obligations of making the payment to respondent no.2.
4. Learned counsels for respondent nos.1 and 2 have no objections to the appellant being permitted to collect the maintenance fees strictly in terms of the contract in the contracted area.
5. We, therefore, permit the appellant to collect the maintenance fees strictly in

terms of the contract within the confines of the area for which the contract was awarded. There shall be no obstruction caused by any person, including respondent no.3, in the appellant enforcing his right under the contract for collection of maintenance fees.

6. This order shall continue to operate till 21.09.2022 when the matter is listed before the learned Single Judge.

7. It shall be open to the learned Single Judge to hear the parties, and make such order as he considered appropriate.

8. The appeal stands disposed of in the aforesaid terms.