

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE ACTING CHIEF JUSTICE SHRI SANJAYA KUMAR MISHRA
AND
JUSTICE SHRI ALOK KUMAR VERMA

WRIT PETITION (PIL) NO. 224 OF 2021

5th JANUARY, 2022

Between:

Amandeep Singh (male) aged about 40 years S/o
Ujagar Singh R/o H. No. 133, Kartarpur (Sua Nagal)
Kaushalganj Rampur, Uttar Pradesh, General
Secretary, Tarai Kisan Sangthan, Rudrapur, Udham
Singh Nagar.

..... Petitioner

And

1. State of Uttarakhand, through Secretary, Agriculture,
State of Uttarakhand, Dehradun
2. District Magistrate, Udham Singh Nagar / District
Election Officer, Udham Singh Nagar.
3. Director, Krishi Utpadan Vipan Board, Mandi Bhawan,
Rudrapur, Udham Singh Nagar.
4. Chairman / Secretary, Krishi Utpadan Mandi Samiti,
Rudrapur, Udham Singh Nagar.

.....Respondents

Counsel for the petitioner : Ms. Prabha Naithani, learned
counsel

Counsel for respondent No. 1 & 2 : Mr. J.C. Pande, learned Standing
Counsel for the State

Counsel for respondent No. 3 & 4 : Mr. N.S. Pundir, learned counsel

***Upon hearing the learned Counsel, the Court made
the following***

JUDGMENT: (per the Acting Chief Justice Shri Sanjaya Kumar Mishra)

In this case, the petitioner has prayed to issue a writ of mandamus directing the respondents not to acquire / take over the premises of "Naveen Mandi Sthal", Bagwara, Rudrapur, Udham Singh Nagar, for the purpose of forthcoming Assembly Elections, and also to issue a writ of mandamus directing the respondents not to cause any hurdle in the activities of sale and purchase of agricultural produces at the aforesaid "Naveen Mandi Sthal".

2) The learned counsel for the petitioner submits that like every year, this year also, the "Naveen Mandi Sthal" is being used for the purpose of sale and purchase of agricultural produces, and if the entire Mandi is taken over for the purpose of elections, then the poor agriculturists and horticulturists will face insurmountable difficulty. It is also argued that in the previous year the entire Mandi was not taken over for the purpose of election. Rather, a portion of the same was left for the operation of the agriculturists.

3) In view of the matter, as the learned counsel for the respondents are not in a position to provide

appropriate instructions, we dispose of the Writ Petition (PIL) giving liberty to the petitioner to file a fresh representation along with a certified copy of this order, as also the Annexure-3, annexed with the writ petition. It will be proper if the petitioner submit a copy of the brief before the District Magistrate, Udham Singh Nagar / District Election Officer, Udham Singh Nagar for his consideration. In such an event, the Opposite Party No. 2 shall consider the representation of the petitioner, and after affording a reasonable opportunity of hearing to the petitioner and similarly situated persons, and having considered the grievances of the petitioner dispose of the representation of the petitioner by way of a speaking and reasonable order. The Opposite Party No. 2 shall be at liberty to have a physical verification of the spot.

4) The learned counsel for the petitioner undertakes that the petitioner shall submit a copy of the writ application along with a certified copy of this order, as directed earlier, within a period of five days to the Opposite Party No. 2. The Opposite Party No. 2 shall take a decision thereon within ten days thereafter.

5) Let a certified copy of this order be supplied to the learned counsel for the petitioner during the course of the day on payment of the usual charges.

6) There shall be no order as to costs.

7) The Interim Relief application (IA No. 01 of 2021) also stands disposed of.

SANJAYA KUMAR MISHRA, A.C.J.

ALOK KUMAR VERMA, J.

Dated: 5th JANUARY, 2022
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