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IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE NARAYAN SINGH DHANIK

WRIT PETITION (PIL) NO. 202 OF 2021

8th DECEMBER, 2021

Between:

Umesh Kumar Petitioner

and

State of Uttarakhand and others Respondents

Counsel for the petitioner : Mr. Gopal K. Verma, learned
counsel

Counsel for respondents no. 1 to 5 : Mr. Anil Kumar Bisht, learned
Additional Chief Standing Counsel
for the State

The Court made the following:

JUDGMENT: (per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)

The petitioner is aggrieved by the use of siren by a Member of Legislative Assembly of the State, and his family members.

2. The learned counsel for the petitioner frankly concedes that the respondent No. 6, a sitting MLA, was elected in 2017. According to the petitioner, the respondent No. 6, and his family

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members, have been using siren since 2017. Yet, no Public Interest Litigation has been filed by the petitioner for the last four years. It is only when the election season has started that a Public Interest Litigation has been filed targeting a sitting MLA.

3. Therefore, obviously, this Public Interest Litigation is highly motivated by political consideration that tantamounts to the abuse of the process of the law, and the process of the Court.

4. Therefore, this Court dismisses this Writ Petition (PIL) by imposing imposes a cost of Rs.50,000/- (Rupees fifty thousand only) upon the petitioner. He is directed to deposit the said amount with the Uttarakhand High Court Bar Association Welfare Fund. The Registrar (Judicial) is directed to inform the District Magistrate, Haridwar, whether the said amount has been deposited within the stipulated period of two weeks, or not? The District Magistrate, Haridwar is directed to ensure that, in case, the said amount is not deposited with the Uttarakhand High Court Bar Association Welfare Fund within a period of two weeks, he shall recover the said amount as arrears of land revenue.

5. With the above directions, the WRIT PETITION (PIL) stands dismissed.

RAGHVENDRA SINGH CHAUHAN, C.J.

NARAYAN SINGH DHANIK, J.

Dt: 8th DECEMBER, 2021
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