



2024:UHC:8786-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE ACTING CHIEF JUSTICE MR. MANOJ KUMAR TIWARI
AND
HON'BLE MR. JUSTICE VIVEK BHARTI SHARMA

WRIT PETITION (M/ B) NO. 541 OF 2024

27TH NOVEMBER, 2024

Mamta Bora Petitioner

Versus

State of Uttarakhand and others Respondents

Counsel for the petitioner : Mr. Deep Prakash Bhatt, learned counsel

Counsel for the respondents : Mr. S.S. Chaudhary, learned Brief Holder for State

The Court made the following:

JUDGMENT: (per Hon'ble The Acting Chief Justice Mr. Manoj Kumar Tiwari)

According to the petitioner, she participated in an e-auction, in the year 2017, held by District Magistrate, Udham Singh Nagar for extraction of minor mineral from river Jagbura under River Dragging Policy, 2016; she was found to be the highest bidder, and the contract was awarded to her. However, due to dispute



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between Forest Department and Revenue Department regarding ownership of land, she could not undertake mining work and the period for which she was given mining rights expired on 30.06.2017.

2) Petitioner has challenged the advertisement dated 18.11.2024, issued by Sub Divisional Magistrate, Khatima relating to Jagbura river, mainly on the ground, that since she was the successful bidder in the last auction held in the year 2017, and she could not undertake mining work because of dispute between Forest and Revenue Departments, and the amount deposited by her as security, is still lying with the District Administration, therefore, she has the first right to get the contract and contract cannot be awarded to any other person.

3) Learned State counsel, however, submits that the period for which mining contract was given to petitioner was over in 2017, therefore, she does not have any subsisting right to get contract in the year 2024. He further submits that petitioner, if interested in getting mining contract, should participate in the bidding process, which was initiated by advertisement dated 18.11.2024.

4) Learned counsel for the petitioner then submits that petitioner made representations from time to time to



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the District Magistrate, Udham Singh Nagar, but no decision has been taken as yet. He confines his prayer only to the extent that the petitioner be permitted to make fresh representation to the District Magistrate, Udham Singh Nagar for redressal of her grievances.

5) Accordingly, the writ petition is disposed of by permitting the petitioner to make fresh representation to the District Magistrate, Udham Singh Nagar within ten days from today. If such representation is made by the petitioner within the time stipulated, the District Magistrate shall look into the matter, and take decision in the matter, within eight weeks thereafter.

MANOJ KUMAR TIWARI, A.C.J.

VIVEK BHARTI SHARMA, J.

Dt: 27TH NOVEMBER, 2024
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