



2024:UHC:8922-DB

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
	03.12.2024		WPIL No. 186 of 2024 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> <u>Hon'ble Vivek Bharti Sharma, J.</u> Ms. Snigdha Tiwari, learned counsel for petitioner. 2. Mr. P.C. Bisht, learned Additional Chief Standing Counsel for the State of Uttarakhand / respondent Nos. 1 & 2. 3. Mr. N.S. Pundir, learned counsel for respondent Nos. 3 & 4. 4. This writ petition has been filed allegedly in public interest seeking the following reliefs:- “i. Issue a writ order or direction in the nature of certiorari to quash the advertisement dated 19th November 2024 (Annexure No. 1) wherein Chakrata Dak Bangla's one suite and un-demarcated vacant land is sought to be leased by the Respondent No. 3 i.e., Chairman, Zila Panchayat who being an elected representative has appropriated absolute power to reject any or every tender application without assigning any reasons which is in contravention to the principle laid down by the Hon'ble Supreme Court in Sachidanand Pandey v. State of West Bengal 1987 (3) SCC 251. ii. Issue a writ order or direction in the nature of mandamus commanding the Respondent No. 1 i.e. State of Uttarakhand to ascertain whether it permits creation of third-party interest over unspecified and un-demarcated vacant land in Dak Bangla Chakrata as being done by the Respondent No. 3.



			iii. Issue a writ, order or direction in the nature of certiorari quashing the Resolution dated 30th June 2009 (Annexure No.6), passed by the Planning committee, granting the Chairman, Zila Panchayat powers to unilaterally award contracts and tenders, and / or cancel such contracts and tenders without stating any reasons. iv. Issue a writ, order or direction in the nature of mandamus directing Respondent 1 to conduct an inquiry in relation to actions that were undertaken in pursuance of resolution dated 30th June 2009 (Annexure No. 6) and 23rd January, 2020 (Annexure No. 7) by the Zila Panchayat, Dehradun and for taking necessary action on the same. v. Pass any other order that this court may deem fit in the nature of equity, justice and good conscious.” 5. Learned State Counsel, however, submits that the writ petition is premature, as by the impugned advertisement, bids were invited from interested persons for grant of lease in respect of Chakrata Dak Bangla, and the tender process has not concluded as yet. He further submits that Zila Panchayat Dehradun passed resolution as far back as on 23.01.2020 to run the Dak Bangla on Public-Private Partnership mode and the advertisement is issued in terms of the said resolution. He further submits that as per his instructions, lease upto a period of 10 years can be granted by Chairman, Zila Panchayat, without approval of the State
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6. Since the lease-deed is yet to be executed and it is in the stage of contemplation, therefore, we find force in the submission made by learned State Counsel that the writ petition is premature. Even otherwise, the advertisement is referable to the decision taken by Board of Zila Panchayat in its meeting held on 23.01.2020. The resolution passed in said meeting indicates that the Guest House was old and in a dilapidated condition, and with a view to augment income, it was decided to run the Guest House on PPP mode. Thus, the challenge thrown by petitioner is without any substance.

7. Accordingly, the writ petition is dismissed.

(Vivek Bharti Sharma, J) (Manoj Kumar Tiwari, ACJ)
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