



2025:UHC:3002-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE THE CHIEF JUSTICE MR. G. NARENDAR

AND

HON'BLE SRI JUSTICE ALOK MAHRA

24TH APRIL, 2025

WRIT PETITION (PIL) NO.112 OF 2024

Bhuwan Chandra Pokhariya

.....Petitioner.

Versus

State of Uttarakhand & others

.....Respondents

Counsel for the Petitioner : Mr. Bhuwan Chandra Pokhariya,
petitioner in-person.

Counsel for the State : Mr. C.S. Rawat, learned Chief
Standing Counsel with Mr. Gajendra
Tripathi, learned Standing Counsel.

JUDGMENT :(per Mr. G. Narendar, C.J.)

Heard the petitioner party-in-person, learned
Chief Standing Counsel and learned Standing Counsel
for the respondent-State.

2. The reliefs sought for in the writ petition are
as follows:-

*"i) Issue an appropriate writ, order or direction
appointing a high-level investigation/ inquiry from an
independent agency/ commission to inquire the matter
for engaging special counsel from Delhi at the instance
of respondent No.6 and Respondent No.4 for
representing the State Government for WPPIL
No.48/2022 and making huge payments to him from
public funds without due approval and in violation of the
provisions of Legal Remembrancer Manual. Government
Order dated 30.05.2015 and 02.09.2020 and to punish
the wrongdoers accordingly.*

ii) Issue a writ, order or direction in the nature of



mandamus directing and commanding the respondent 5 to clarify whether the 7 different signatures used in official files on his behalf have actually been endorsed by him or not and in case, it is found the same have not been endorsed by him than this Hon'ble Court may be pleased to direct an independent investigating agency to inquire the serious matter of misuse of signatures of the Hon'ble Chief Minister so that the wrong-doers and beneficiaries of such act be punished accordingly."

3. The petitioner, whose earlier petition for protection, i.e. Writ Petition (CRL) No.1444 of 2024, has been rejected by this Court today, has described himself as a farmer and social activist, has, in the instant writ petition, claims to have raised various issues of public interest, including that of corruption. In the present petition, he is raising the issue of misuse of public funds on account of excessive payment for engaging special counsel without following due procedure in order to satisfy the private mining and dredging operators in the State, involving high-ranking persons. In sum and substance, the prayer is to investigate as to how huge amounts have been paid to the Senior Advocate as appearance fees.

4. It is the case of the petitioner that the engagement of the Senior Advocate is without following the due procedure. A perusal of the pleadings does not



detail as to what is the due procedure that is required to be followed by the State to engage the services of a designated Senior Advocate. The very pleadings would reflect that a sum of Rs.8.50 Lakh has been paid to one Mr. Ravi Gupta, Senior Advocate, who is based in Delhi and Rs.1.50 has been paid as expenses to his assistant.

5. The petitioner has not placed on record any material which fixes a cap on the quantum of fees that can be paid by the State to a Designated Senior Counsel engaged by the State, and whose services have been utilized for appearance in a case filed against the State. In the absence of any such material, which place any cap on the fees that can be paid by the State, the petition, in our opinion, is highly misconceived and is nothing, but an abuse of the due process of law.

6. It was incumbent upon the petitioner to place all such material while canvassing the petition. During the hearing, he had attempted to make a twist in the narrative by stating that the Senior Counsel did not appear before the Court at all, and despite his non-appearance, the State has made payment of fees. To



support his twist to the story, he would place reliance on the order-sheet, and he would submit that the Court has not recorded the presence of the Senior Counsel.

7. Learned Chief Standing Counsel would submit that it was he, who personally briefed the Senior Advocate in the case, and would submit that the fact of the Senior Advocate having stayed in Nainital on the relevant dates of hearing has been affirmed by the management of Manu Maharani Hotel, Nainital, which has issued an endorsement to the Senior Superintendent of Police, Nainital, wherein they have categorically stated that the Senior Advocate was a guest in the hotel on the relevant dates of hearing.

8. There being sufficient material to infer presence of learned Senior Advocate, mere omission to record the name of the Senior Advocate in the order-sheet, in our opinion, would not be a ground enough to infer adversely against the presence of a professional. The professional fees being charged by a professional is at the discretion of the professional and there being no rule placing a cap on the quantum that can be paid as professional charges, the instant writ petition is highly



misconceived and a absolute waste of the judicial time.

9. That apart, as noted, the petitioner has described himself as a farmer and a social activist, whereas in Writ Petition (CRL) No.1444 of 2024, which was dismissed by this Bench a short while ago, he has described himself as an RTI activist; that his efforts under the RTI Act to obtain information and fight against corruption have been made to go in vain and high and mighty made an attack on him.

10. This Court examined the veracity of the photographs produced by the petitioner and the petitioner's version and found them to be hollow. Be that as it may, in the instant writ petition an assertion of the learned Chief Standing Counsel and the corroborating material in form of an endorsement of the Manu Maharani Hotel, acknowledging the fact that the Senior Advocate was a guest in their hotel on the relevant dates of hearing, it can be safely presumed that the presence of the Senior Advocate in Nainital, that too, on a working day, was for the purpose of making his appearance to assist the Court in the pending litigation. The omission in the order-sheet



cannot, in our opinion, be appreciated as material which would rebut the record maintained by the hotel and which record is one which is maintained in the course of their business.

11. In that view of the matter and there being no law capping the professional fees that can be paid by the State, the writ petition is wholly and highly misconceived, and is, accordingly, rejected.

12. As a sequel thereto, pending application, if any, shall stand closed.

G. NARENDAR, C.J.

ALOK MAHRA, J.

Dt: 24th April, 2025

NISHANT

NISHANT
KUMAR