



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/793/2018</u> Mahant Dev Giri --Petitioner Versus State Of Uttarakhand Through Chief Treasury Officer --Respondent <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Kishore Rai, Advocate holding brief of Mr. Mani Kumar, Advocate for the petitioner. Mr. Ghanshyam Joshi, Additional CSC for the State. 2. By means of this writ petition, filed in 2018, petitioner has sought following relief: “Issue a writ order or direction in the nature of mandamus commanding and directing the respondent to issue a fresh cheque in favour of petitioner.” 3. According to petitioner, he is a Mahant of Shiv Mandir in Bazpur town; there are some shops in the temple premises and there was a dispute between petitioner as Mahant of the temple and the tenants; a SCC Suit was filed against the tenant and tenant deposited rent in the Court of Civil Judge (Senior Division), Kashipur. The Civil Judge released the amount of rent in favour of petitioner through two cheques dated 20.02.2017; however, cheques could not be presented in time for collection with the bank and validity period of cheques thus expired. 4. Petitioner has sought a direction to the State



			Government through Chief Treasury Officer, Udham Singh Nagar, to issue fresh cheque in favour of the petitioner. 5. Learned State Counsel, however, refers to paras 3, 4 and 5 of short counter affidavit filed by Mr. Bhupendra Prasad Kandpal, Chief Treasury Officer, Udham Singh Nagar, which are extracted below: “3. That it is submitted that the petitioner was given the cheque for payment in the month of February, Financial Year 2016-17 and the said cheque was valid only till 31-03-2017. Since, the petitioner submitted the cheque for payment after 31-03-2017, the said cheque had become time barred in terms of Govt. Order dated 25-06-1999. In terms of Clause-6 (a) at para 1 Non Payment Certificate is to be issued in the eventuality of time barred or cancelled cheque by the Treasury. That subsequent to issuing of Non Payment Certificate, a fresh bill/cheque for payment is to be issued by the concerned Drawing & Disbursing Officer/Civil Judge, C.D., Kashipur, Udham Singh Nagar which is again presented to the Treasury and proceeding towards payment are initiated. A true copy of G.O. dated 25-06-1999 is being annexed herewith and marked as Annexure S.C.A.-1 to this affidavit. 4- That a Non Payment Certificate along with letter dated 11-08-2017 has been sent by the answering respondent to the Learned Civil Judge, C.D., Kashipur, Udham Singh Nagar requesting that a fresh cheque be issued to the petitioner herein since the last cheque issued by the Learned Civil Judge to be en-cashed from the Govt. Treasury had expired on 31-03-2017, since the petitioner herein had presented the cheque subsequent to the said date of 31-03-2017. A true copy of the letter dated 11-08- 2017 is being annexed and marked as Annexure S.C.A.-2 to this affidavit. 5- That the petitioner herein is requested to approach the aforementioned Civil Judge with an application that a fresh cheque be issued to him. That upon issuing of fresh cheque by the Learned Civil Judge and upon presenting the same in the office of answering respondent the payment due shall be made.” 6. Learned State Counsel submits that writ petition
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is misconceived, as petitioner has to approach the Court of learned Civil Judge (Senior Division) Kashipur, District Udham Singh Nagar for release of the amount of rent, if any, deposited by the tenants.

7. He further submits that Chief Treasury Officer had issued a certificate in favour of the petitioner on 10.08.2017 that payment of amount mentioned in the cheques could not be made to the petitioner.

8. This Court finds substance in the submission made by State Counsel.

9. The only remedy available to the petitioner is to make application before the Court concerned for release of rent in his favour by issuing fresh cheque.

10. The writ petition is, accordingly, disposed of with liberty to petitioner to approach the Court concerned by moving appropriate application.

(Manoj Kumar Tiwari, J.)

30.06.2026

Mahinder/

MAHINDER SINGH

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