

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1489 (M/B) of 2001
(Old No. 9099 of 1993)

Dharmanand Mailani,
S/o Shri Durga Dutta,
R/o Dwara-Hat,
District Almora

---- Petitioner

Vs.

State of U.P. and five others

---- Respondents

Mr. Ramji Srivastava, Counsel for petitioner.

Mr. K.P. Upadhayaya, learned Standing Counsel for the State.

Coram: Hon. S.H.Kapadia, C.J.
Hon. M.M. Ghildiyal, J.

Dated: 31.10.2003

PC:

On 4th January 1993 the District Magistrate, Almora cancelled the permission earlier granted to the petitioner under U.P. Soil & Water Conservation Act 1963 to extract herbs from his lands. No reasons were given for cancellation. The order was challenged. That order was stayed by the Allahabad High Court. That interim stay has continued till today. On 9th November 2000, State of Uttaranchal has come into existence. In the circumstances, the following order is passed:-

ORDER

Petitioner is directed to apply to the District Magistrate, Almora for permission within two weeks from today. On receipt of this application, the District Magistrate, Almora will decide whether to grant the permission or not to grant the permission. He will decide the matter in accordance with law. Till he decides, the interim order passed by the Allahabad High Court on 17th March 1993 will continue to operate.

Accordingly the writ petition is disposed of.

(M.M. Ghildiyal, J.) (S.H. Kapadia, C.J.)

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