

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 617 of 2008 (M/S)

Smt. Anita Chandok,
W/o Sri Ramesh Chand Chandok,
R/o Kali Kamli Bazar, Uttarkashi.

.....Petitioner.

Versus

- (1) State Industrial Development Corporation
Uttarakhand Ltd., through its Managing
Director, New Cant Road, Dehradun
248001.
- (2) Managing Director State Industrial
Development Corporation Uttarakhand
Ltd., 2 New Cant Road, Dehradun
248001.

.....Respondents.

Sri K.S. Bora, Advocate for the petitioner.
Sri Vipul Sharma, Advocate for the respondents.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the parties.

(2) By means of this writ petition, the petitioner has sought writ in the nature of certiorari quashing the order dated 26.02.2008, passed by respondent no. 2, rejecting the representation of the petitioner. A

mandamus has also been sought directing the respondents to consider the representations dated 15.03.2008 and 27.03.2008, made by the petitioner.

(3) Brief facts of the case are that petitioner was allotted Plot No. 30 in Sector 5 of Ranipur, Haridwar, for setting up an industry, in the year 2004. The petitioner made certain deposits (but not full) as per the terms of the allotment order. Since, the failed to set up the industry in the allotted plot, the respondent no. 2 cancelled the allotment vide its order dated 07.11.2005. On this, petitioner filed earlier Writ Petition No. 1114 of 2007 (M/S), which was disposed of vide order dated 6th September 2007, whereby the respondent no. 2 has directed to decide the representation of the petitioner by a speaking order. The respondent no. 2 has rejected the representation of the petitioner vide impugned order dated 26.02.2008, challenged in the present writ petition.

(4) Admittedly, the petitioner was allotted plot to set up an industry. It is also not disputed that the petitioner was required to start the production within 24 months of the allotment of the plot. Report of the Additional Registrar of this Court, copy of which is annexure 3 to the writ petition, shows that not only the petitioner had failed to deposit the land premium within time but also failed to start construction. He also found that even the application by the petitioner

for allotment of the plot was in fact found not signed by her.

(5) The impugned order passed by respondent no. 2, whereby the representation of the petitioner has been rejected, shows that after cancellation of the plot, it has been allotted to another entrepreneur and now it is practically not possible to restore the allotment of the petitioner.

(6) In Para 29 of the counter affidavit of respondents, it has been stated that State Industrial Development Corporation Uttarakhand Ltd. (SIDCUL) is ready to return the money deposited by the petitioner after statutory deductions.

(7) Having heard learned counsel for the parties and after going through the papers on record, this Court does not find any sufficient reason to quash the impugned order. Therefore, the writ petition is dismissed with the observation that the amount deposited by the petitioner may be returned to her after making necessary deductions. (Interim Relief Application No. 1863 of 2008 also stands dismissed).

(Prafulla C. Pant, J.)

Dt. 31.12.2008
NS

