

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**WPMS No. 212 of 2009**

Survesh Kumar

... Petitioner

**Versus**

State of Uttarakhand and others

... Respondents

Mr. Vijay Bhatt, Advocate for petitioner.

Mr. K.P. Upadhyay, learned Additional Chief Standing Counsel for the State of Uttarakhand / respondent no. 1 to 4.

None appears for respondent no. 5.

**26<sup>th</sup> February, 2009**

**Hon'ble Sudhanshu Dhulia, J.**

The main grievance of the petitioner in the present writ petition is that his Mini Truck bearing no. UP 22 P-1302 LPT 809 has been seized by the Tehsildar, Khatima and is presently lying in the Tehsil Compound.

2. In this case, instructions were called from the State counsel on the last occasion. The State counsel has stated that the said mini truck has not been seized by the State authority and, therefore, the petitioner is at liberty to take his truck. The State counsel has stated that the Mini Truck is lying with the 'Udham Singh Nagar Milk Production Cooperative Union Limited'. The Sub Divisional Magistrate, Khatima is directed to ask the General Manager, Udham Singh Nagar Dairy Cooperative Union Limited to immediately release the Mini Truck in favour of the petitioner as and when the petitioner approaches the Sub Divisional Magistrate, Khatima. It is expected that the Sub Divisional Magistrate Khatima will take prompt action in this regard. It has also been apprised by the State counsel that such order has in fact already been passed by the Sub Divisional Magistrate on

21.2.2009 and, therefore, the petitioner shall not have any hindrance in getting his Mini Truck.

3. With the aforesaid observations, writ petition is disposed of.

(Sudhanshu Dhulia, J.)  
26.2.2009

**Rathour**