

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition No.182 of 2013 (M/S)**

Sundar Singh Chauhan

.....Petitioner

Versus

State of Uttarakhand & others

.....Respondents

Shri V.B.S. Negi, Senior Advocate assisted by Shri Anil Kumar Joshi, learned counsel for the petitioner.

Shri Rajesh Sharma, learned Brief Holder for the State.

Dated: 30<sup>th</sup> January, 2013

**Hon'ble V.K. Bist, J.**

**(Urgency Application I.A. No. 505 of 2013)**

Heard learned counsel for the parties.

Urgency application is allowed.

**WPMS No.182 of 2013**

Heard.

Present petition has been filed by the petitioner for a direction to the respondents to renew the lease in favour of the petitioner bearing no.3030/30-30(2001-02) dated 19.08.2012 issued by the respondents and further allow and permit the petitioner to collect minor minerals in the area on the River Nayar Village Naugaon Kamanda in khet nos.881, 937 and 939, Village Ullkhet khet no.1080 and village Handule Talla in khet no.1719, Tehsil Satpuli. Further prayer has been made for a direction to the respondents to take decision on the recommendation of the respondent no.3 for extension of time of lease for the period in

which the petitioner could not work due to the restriction of District Administration.

Brief facts of the case, as narrated in the writ petition, are that on 19.08.2002 the petitioner was granted lease through the order of respondent no.2 in the area on the River Nayar Village Naugaon Kamanda in khet nos.881, 937 and 939 village Ullkhet khet no.1080 and village Handule Talla in khet no.1719 Tehsil Satpuli and the lease deed for a period of ten years was executed in favour of the petitioner, which was registered on 11.02.2003 in the office of Sub-Registrar Lensdone. On 10.02.2012, before expiry of the term of the lease deed, the petitioner applied for renewal of the lease deed and submitted his application in the prescribed format. When the lease of the petitioner was not renewed by the respondents, then on 24.05.2012 the petitioner submitted his application for extension of lease deed for a period of three years. Thereafter, again on 12.06.2012 petitioner moved a representation before the respondent no.3 for extension of lease. On 16.07.2012, the respondent no.3 wrote a letter to the State Government for extension of lease for a period of 8 months 29 days, as the petitioner has been restrained by the District Administration from mining. Thereafter, on 09.10.2012 the respondent no.3 issued an order for joint inspection for the purpose of renewal of the lease of the petitioner and directed the concerned to submit the Joint Inspection Report. On 12.10.2012, the petitioner deposited ₹ 4,000/- for the inspection. On 30.10.2012, the Inspection Report was submitted to the S.D.M. Lansdone, who forwarded the

same to the respondent no.3. On 31.10.2012, the S.D.M. Lansdone also submitted his report for renewal of lease deed. On 22.01.2013, the respondent no.3 issued an order to the Tehsildar Satpuli informing him that the lease of the petitioner is going to expire on 10.02.2013. Hence, this writ petition has been filed by the petitioner.

Learned Senior Advocate for the petitioner submitted that the application for renewal is pending before the State Government since 10.02.2012 and the application for extension is pending since 12.06.2012 and the same have not been decided so far by the State Government.

I have heard learned counsel for the parties and have perused the papers available on record.

Considering the submission advanced by the learned counsel for the parties, I dispose of the writ petition with a direction to the respondent no.2-Principal Secretary, Industrial Development Government of Uttarakhand, Dehradun to decide the representation of the petitioner dated 10.02.2012 as well as 12.06.2012 in accordance with law within a period of ten days from the date of production of a certified copy of this order.

Interim Relief Application (CLMA No.625/2013) also stands disposed of.

**(V.K. Bist, J.)**

30.01.2013

*Arpan*