

WPMS No.2654 of 2014
Hon'ble V.K. Bist, A.C.J.

Mr. B.S. Adhikari, Advocate for the petitioner.

Mr. A.K. Joshi, Additional Chief Standing Counsel for the State of Uttarakhand/respondent No. 1.

Heard learned counsel for the parties.

An order was passed by the respondent no.3/Secretary, Special Area Development Authority, Dehradun on 20-11-2014 to seal the property in question. Against the said order, an appeal was preferred by the petitioner before the respondent No. 2 i.e. Commissioner Garhwal Mandal, Camp Office, Dehradun. Along with the said appeal, a stay application was also filed.

Learned counsel for the petitioner contended that the Commissioner, Garhwal Mandal is not sitting in Camp Office at Dehradun.

From the perusal of the record, it transpires that the said appeal has not been filed by the petitioner before the Commissioner, Garhwal Mandal at Pauri Garhwal i.e. the principal sitting place of the Commissioner, Garhwal Mandal, but the same has been filed at the Camp Office, Dehradun. This Court fails to understand why the appeal has been filed at Camp Office, Dehradun, inasmuch as, the place of sitting of the Commissioner, Garhwal Mandal is at Pauri.

At this, learned counsel for the petitioner submitted that it has been a common practice that the people belonging

to Dehradun, usually file the appeal at Camp Office, Dehradun.

Since, at present, the Commissioner, Garhwal Mandal is sitting at Pauri, I direct the Camp Office of Commissioner Garhwal Mandal, Dehradun to immediately send the record of the said appeal of the petitioner to the Commissioner Office at Pauri Garhwal and the Commissioner, Garhwal Mandal is directed to decide the stay application of the petitioner within a period of 7 days' from the date of production of certified copy of this order. Till the stay application of the petitioner is decided by the Commissioner, Garhwal Mandal, operation of the order dated 20.11.2014 passed by the respondent no.3 shall be kept in abeyance.

With the observation made above, the writ petition is disposed of finally. Stay application also stands disposed.

Let a copy of this order be supplied to the learned counsel for the petitioner, today itself, on payment of usual charges.

(V.K. Bist, A.C.J.)

28.11.2014

Arpan