

WPMS No. 821 of 2018

Hon'ble Sharad Kumar Sharma, J.

Mr. S.R.S. Gill, Advocate for the petitioner.

Mr. Yogesh Pandey, Addl. C.S.C. for the State of Uttarakhand.

Mr. Prem Prakash Bhatt, Advocate on behalf of Mr. Sanjay Bhatt, Advocate for respondent No. 2.

Ms. Soniya Chawla, Advocate on behalf of Mr. Paresh Tripathi, Advocate for respondent No. 4.

The petitioner to the present petition claims that he is a person belonging to an OBC category and wants to impress upon the Court for a writ of mandamus directing the State to consider and to reserve the seat of Chairman Nagar Panchayat, Dineshpur for other backward class candidates.

Besides the above relief, he has prayed for various other mandamus. But, unfortunately, the petitioner in the writ petition has failed to establish by pleadings that he has got a legal enforceable right, and prior to the filing of the writ petition, he has approached to the Authorities calling upon them to enforce the right which he claims is given in him and is permissible under law.

In the absence of there being any attempt made by the petitioner to approach the Authorities prior to the filing of the writ petition, this Court feels that at this stage, the writ of mandamus for the relief claimed would not be maintainable. The petitioner, if so advised, may approach to the Authorities first for enforcement of any of his alleged rights and thereafter if he is so advised, he can file a fresh writ petition.

The writ petition is dismissed accordingly.
No order as to costs.

(Sharad Kumar Sharma, J.)

Dated 28.03.2018
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