

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

ON THE 30th DAY OF JUNE, 2021

BEFORE:

HON'BLE SHRI JUSTICE MANOJ KUMAR TIWARI

Writ Petition (M/S) No.1212 of 2021

BETWEEN:

Sri Sathya Sai Trust U.P.-U.K.Petitioner

(Mr. Suhaas R. Joshi, Advocate)

AND:

State of Uttarakhand & Ors.

.....Respondents

(Mr. T.S. Phartiyal, Addl. C.S.C. for the State of Uttarakhand)

JUDGMENT

Heard learned counsel for the parties through video conferencing.

2. Government of Uttarakhand had granted permission to the petitioner to maintain a ghat near Lakshman Jhula, Rishikesh, vide order dated 15.10.2015. In the said order, there was a specific condition that no construction shall be raised; and raising of construction, if unavoidable, shall be made, only after prior permission from the Irrigation Department. Another condition imposed while granting permission was that the ghat shall remain open for general public.

3. The said permission, however, has been cancelled, vide order dated 03.06.2021. Feeling aggrieved by the cancellation order dated

03.06.2021 passed by the State Government and the consequential order dated 18.06.2021 passed by Executive Engineer, Irrigation Division, Narendranagar, petitioner has approached this Court.

3. Shri T.S. Phartiyal, learned Addl. C.S.C. appearing for the State/respondents supports the cancellation order by submitting that in view of violation of the conditions imposed in the permission letter dated 15.10.2015 by the petitioner, State Government was justified in canceling the permission.

4. Shri Suhaas R. Joshi, learned counsel appearing for the petitioner submits that petitioner was not heard while canceling the permission. He further submits that petitioner was entitled to an opportunity of hearing in the matter before any decision to cancel the permission was taken.

5. Shri T.S. Phartiyal, learned Addl. C.S.C., however, submits that several notices were issued to the petitioner to remove the unauthorized structures over the bathing ghat but petitioner never complied.

6. Admittedly, petitioner was not allotted bathing ghat but he was simply permitted to maintain and manage the same, therefore, cancellation of the permission does not entail any civil consequence to the petitioner. However, having regard to the facts

and circumstances of the case, the writ petition is disposed of with a direction to the State Government to take decision on petitioner's representation dated 22.06.2021 (Annexure-13 to the writ petition), as early as possible, but not later than eight weeks from the date of production of certified copy of this order.

7. Let a certified copy of this order be issued to the parties within 24 hours.

(MANOJ KUMAR TIWARI, J.)

Rajni