

WPMS No. 1771 of 2020

Hon'ble Manoj K. Tiwari, J.

Mr. Suhaas Ratna Joshi, Advocate for the petitioner.

Mr. V.D. Bisen, Brief Holder for the State of Uttarakhand.

Mr. Ashish Joshi, Advocate for respondent no. 2.

Heard learned counsel for the parties through video conferencing.

This writ petition has been filed by a Society, registered under Societies Registration Act, seeking following reliefs:

“(i) To issue writ, order and/or direction in the nature of certiorarified mandamus directing to modification/alteration of the Site Plan developed consequent to Tender Notice No. 164 dated 06.06.2020 of Respondent No. 9, Tender Notice No. 164 dated 06.06.2020 and Work Order dated 22.07.2020 of Respondent No. 2 (Annexure No. 1 collectively of the writ petition), thereby, ousting the Mela Ground from the proposed Crematoria Complex at Ranibagh-Chitrashila Ghat;

(ii) To issue a writ, order and/or direction in the nature of mandamus directing calling for entire records/D.P.R. pertaining to the development of Crematoria Complex at Ranibagh-Chitrashila Ghat from Respondents No. 2 and 9;

(iii) To appoint a Commission towards an independent fact finding in relation to the land in issue at Ranibagh-Chitrashila Ghat;”

In sum & substance, petitioner is challenging the construction of Crematoria, which is being constructed at Ranibagh, Haldwani. The said Crematoria is being constructed, in terms of order dated 17.05.2014 passed by Division Bench of this Court in WPPIL No. 23 of 2013.

Haldwani is one of the important cities of State of Uttarakhand and its population is increasing day by day. Need for construction of electric Crematoria was felt for a longtime and now, pursuant to the funds provided by the State Government, tenders were invited and it is reported that construction has begun. Petitioner claims some customary right over part of the land over which Crematoria is proposed, however, it is an admitted position that petitioner does not have any title over the said land.

Learned counsel for the petitioner submits that construction of Crematoria be stayed, during pendency of the writ petition.

This Court is not inclined to stay construction of Crematoria, as passing of such an order is against the public interest.

In such view of matter, interim relief application (CLMA No. 8196 of 2020) is rejected.

List this matter on 10.12.2020.

(Manoj K. Tiwari, J.)

02.12.2020

Arpan