

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Special Appeal No.322 of 2020

Rajmata Jiya Katyuri SamajAppellant

Vs.

State of Uttarakhand & othersRespondents

Shri Suhaas Ratna Joshi, learned counsel for the appellant.

Shri Yogesh Pandey, learned additional chief standing counsel for the State of Uttarakhand.

28th December, 2020

Coram : Hon'ble Ravi Malimath, A.C.J.
Hon'ble Alok Kumar Verma, J.

Ravi Malimath, A.C.J. (Oral)

Aggrieved by the order dated 02.12.2020 passed by the learned Single Judge in WPMS No.1771 of 2020 "Rajmata Jiya Katyuri Samaj vs. State of Uttarakhand and others, in rejecting the plea of the petitioner for grant of an interim relief, the instant appeal is filed. The prayer of the petitioner was for a mandamus to direct the modification or alteration of the site plan for the proposed crematorium at Ranibagh, Haldwani. The learned Single Judge was of the view that no stay of the construction of crematorium could be granted as passing

of such an order is against the public interest and he rejected the interim relief application. Hence, the instant appeal is filed.

2. Learned counsel for the appellant submits that the interim stay is remaining whether the construction will go on.

3. On hearing learned counsels, we do not find any merit in this appeal. The work of construction for crematorium need not be reagitated by us. Building of a crematorium in the site chosen *prima facie* does not appear to be false. On considering the contentions, we are also of the view that there is no substance in any of the contentions urged by the learned counsel for the appellant. However, it is for the learned Single Judge to decide the said writ petition. For the present it is suffice to hold that the learned Single Judge was justified in rejecting the plea for interim relief. Hence, the writ appeal is dismissed.

(Alok Kumar Verma, J.)

(Ravi Malimath, A.C.J.)

SK/JKJ