

SUPREME COURT OF INDIA

State of Uttarakhand

Vs.

Villagers of Vil. Jamaria Baluli and Vanghat

C.A.No.8331 of 2011

(K.S. Radhakrishnan and Chandramauli Kr. Prasad JJ.)

23.09.2011

ORDER

1. Leave granted.
2. This appeal is preferred by the State aggrieved by the positive direction given by the High Court for forming a road from N.H. 121 to the village of Jamaria. Learned Counsel appearing for the State submits that Executive Engineer has consented to the order without getting approval of the Government.
3. We, are of the view, the High Court, has committed an error in issuing a writ of mandamus for constructing a pucca road. In our view it is primarily for the Government to consider the request for construction of road and its necessity.
4. We are therefore inclined to set aside the judgment of the High Court with the observation that, the Respondent, if so advised, may file a suitable representation before the State Government, it is for the Government to consider the same in accordance with law.
5. The appeal stands allowed as above.