

(2025) 04 UK CK 0840

In the Uttarakhand High Court

Case No : Writ Petition No. 3569 Of 2024 (M/S)

Ajai Mohan Aggarwal And Others

APPELLANT

Vs

Executive Engineer, Public Works Department, Construction
Division, Kashipur And Others

RESPONDENT

Date of Decision : 22-04-2025

Acts Referred:

Citation : (2025) 04 UK CK 0840

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Parikshit Saini, Suyash Pant, A.M. Saklani

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. Petitioners are permanent residents of District Udham Singh Nagar. The respondent no.2 issued Notices of Demolition dated 09.12.2024 with the averments that the petitioners have constructed boundary wall on the State land.

2. Heard Mr. Parikshit Saini, learned counsel for the petitioners, Mr. Suyash Pant, learned Standing Counsel for the respondent nos. 1 & 2 and Mr. A.M. Saklani, learned counsel for the respondent no.3.

3. Mr. Parikshit Saini, Advocate, submitted that without complying with the order dated 26.12.2024, passed in WPPI L No. 192 of 2024, the respondents are going to demolish the constructions of the petitioners.

4. The paragraph no.7 of the order dated 26.12.2024, passed in WPPI L No. 192 of 2024, is reproduced hereunder : -

"7. We, therefore, dispose of the writ petition by directing District Magistrate, Udham Singh Nagar to constitute a committee consisting of not less than three senior officers, which shall look into the complaints regarding encroachment, not only in Tehsil Sitarganj, but, in all Tehsils of District Udham Singh Nagar, within

four months from date of constitution of such committee. We hope and expect that District Magistrate shall constitute the committee, within ten days from receipt of certified copy of this order. Based on the report of committee, the competent authority shall take necessary steps, for removing encroachment from public land, after giving fifteen days notice to the persons, found to be in encroachment over public land. The encroachment shall be removed, but, only after considering the reply, if any, submitted by concerned persons, found to be in encroachment over public land. This Court hopes and expects that this entire exercise shall be completed, within eight months.”

5. The respondents have not complied with the said order dated 26.12.2024, passed in WPPI L No. 192 of 2024. Therefore, the impugned notices dated 09.12.2024 (annexure no.10, page nos. 49 and 50 to the writ petition) are quashed. The respondents are directed to comply with the order dated 26.12.2024, passed in WPPI L No. 192 of 2024, without any deviation or laxity.

6. Accordingly, the present Writ Petition (WPMS No. 3569 of 2024) is disposed of.