
(2021) 03 UK CK 0050

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 516 Of 2021

Ali Jaan & Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 04-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 133, 147

Citation : (2021) 03 UK CK 0050

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Nagesh Agarwal, H.M. Raturi

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. By means of this writ petition, petitioner has sought following reliefs:

1. Issue a writ, order or direction in the nature of mandamus commanding the respondents to restore Government Chak Road and Government

Gool/Nali situated at khasra number 301 & 302 of the village Bhagwanpur Chandpur respectively, forthwith by removing encroachment of the

respondent no.3 & 4 this Government Chak Road and Government Gool/Nali.

2. Issue a writ, order or direction in the nature of mandamus commanding the respondents to take appropriate action upon the respondent no. 3 & 4

and make the area of Government Gool/Nali and Government Chak Road complete as per revenue record after doing the paymish of khasra number

301 & 302 of the village Bhagwanpur Chandpur.

3. Issue a writ, order or direction in the nature of mandamus commanding the respondents to decide petitioner's application dated 25th September

2020 (Annexure 8 to this writ petition) and compliant dated 6 july 2019 (Annexure 7 to this writ petition) forth with preferably within 15 days.â??

2. In sum & substance, case of the petitioners is that certain individuals have encroached upon Government Chak Road and Government Gool in

Village Bhagwanpur Chandpur, Tehsil Roorkee, District Haridwar and are obstructing the irrigation canal, due to which, petitioners are not able to irrigate their land.

3. Encroachment of public passage amounts to public nuisance, therefore, petitioners can avail the remedy under Section 133/147 Cr.P.C.

4. In such view of the matter, the writ petition is disposed of with liberty to petitioners to approach the concerned Executive Magistrate, by making

appropriate application, within ten days from today. If such an application is made within stipulated period, the same shall be decided by concerned

Executive Magistrate, in accordance with law, expeditiously, preferably within a period of four months from the date of production of certified copy of

this order.