

(2021) 06 UK CK 0125

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1195 Of 2021

Amita Sharma

APPELLANT

Vs

Collector District Magistrate Haridwar & Others

RESPONDENT

Date of Decision : 28-06-2021

Acts Referred:

Constitution Of India, 1950 — Article 227

Citation : (2021) 06 UK CK 0125

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Rajveer Singh, T.S. Phartiyal

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

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

(i) Issue a writ, order or direction in the nature of mandamus directing the Respondent no. 1, 2, 3 & 4 to demarcate the land of the petitioner and to

delivered the possession of the petitioner's land Gata number 85/1 area 16 Biscay 10 Bishwancy Pukhta, old Gata number 85 new Gata no. 154,

situated in village Shahpur Mustakam, Tehsil Bhagwanpur, District Haridwar according to final Land Map/Sajra.

(ii) Issue a writ, order or direction in the nature of mandamus directing the Respondent no. 1,2,3 & 4 to demarcate the land of the petitioner and to

destroy the illegal encroachment on the land of the petitioner and to delivered the possession of the petitioner's land Gata numbr 85/1 area 16

Biscay 10 Bishwancy Pukhta, old Gata number 85 new Gata no. 154, situated in village Shahpur Mustakam, Tehsil Bhagwanpur, District Hatidwar

according to Final Land Map/Sajra.

(iii) Issue a writ, order or direction in the nature of mandamus directing the chief secretary of Uttarakhand Government to initiate departmental

proceeding against the responsible office of the Government.

2. From perusal of the writ petition, it appears that in the concerned village consolidation operations began, and pursuant to order passed by the

Consolidation Authorities, holding of the villagers, including the petitioner, were consolidated. Now, petitioner wants execution of the order passed by

the Consolidation Authorities.

3. Learned counsel for the petitioner has made a statement that consolidation proceedings have come to a close; therefore, petitioner does not have

any remedy before the Consolidation Authorities.

4. Mr. T.S. Phartiyal, learned Additional C.S.C. appearing for the State of Uttarakhand, on instructions, submits that the orders passed by

Consolidation Authorities are under challenge before this Court under Article 227 of the Constitution of India, therefore, any direction issued by this

Court in the present writ petition would prejudice the rights of the parties to the petition filed under Article 227 of the Constitution.

5. This Court finds substance in the contention made by learned Additional C.S.C. for the State. If the order passed by the Consolidation Authorities

has not attained finality and the same is under challenge before this Court under Article 227 of the Constitution of India, therefore, any direction issued

at this stage to execute the order passed by the Consolidation Authorities would be unwarranted, as it will prejudice the interest of the parties to the

dispute.

6. In such view of the matter, this Court declines to entertain this writ petition. Accordingly, writ petition fails and is dismissed. No order as to costs.