

(2021) 09 UK CK 0100

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1531 Of 2021

Amita Sharma

APPELLANT

Vs

Collector/District Magistrate Haridwar And Others

RESPONDENT

Date of Decision : 06-09-2021

Acts Referred:

Uttar Pradesh Zamindari Abolition And Land Reforms Act, 1950 — Section 41, 176, 209

Citation : (2021) 09 UK CK 0100

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Yogesh Chandra Tiwari, Gajendra Tripathi

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

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

(i) Issue a writ, order of direction in the nature of mandamus directing the Respondents 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 Respondents 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 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.

(iii) Issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 13.07.2021 passed by the Settlement officer consolidation

Roorkee in Misc. Application No 01 of 2021 containing (Annexure No 16) to the writ petition.

(iv) 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 respondents.

2. From the relief clause, it is apparent that, under the garb of demarcation, petitioner wants possession of the land in question. Proceedings for demarcation under Section 41 of U.P.Z.A. & L.R. Act are summary in nature; while, petitioner wants possession of land in question, which cannot be granted under Section 41 of the Act and appropriate remedy, for seeking relief of possession, would be under Section 209 or Section 176 of U.P.Z.A. & L.R. Act.

3. In such view of the matter, the reliefs, as claimed in the writ petition, cannot be granted.

4. Accordingly, the writ petition fails and is dismissed.