

(2022) 07 UK CK 0107

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1649 Of 2022

Baldevraj Joshi And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 20-07-2022

Acts Referred:

Citation : (2022) 07 UK CK 0107

Hon'ble Judges : Vipin Sanghi, CJ;R.C. Khulbe, J

Bench : Division Bench

Advocate : B.M. Pingal, K.N. Joshi

Final Decision : Disposed Of

Judgement

Vipin Sanghi, CJ

1. The petitioners have preferred the present writ petition to seek quashing of the notice dated 08.07.2022 issued to the petitioners alleging that the petitioners are encroaching on a government land situated in Village Kunwarpur, Tehsil Sitarganj, khata no.208, khasra no.273 min, measuring area 0.3722 hectare land which is under category 6(1) submerge land and which is recorded as pound in the revenue records. As per the report of Revenue Sub Inspector, the encroached land by the petitioners is measuring 335 sq.mt. This show cause notice was given by the Tehsildar, Sitarganj, District Udham Singh Nagar in pursuance of the order passed by this Court in Writ Petition (PIL) Nos. 65 of 2011 and 29 of 2016.

2. We have heard the learned counsel.

3. The grievance of the petitioners is that while issuing notice dated 08.07.2022, the respondents have required the petitioners to vacate the premises within three days. The same is not in accordance with the principles of natural justice, or even the order passed by the Division Bench, which required issuance of a show cause notice and a brief hearing to the noticee.

4. According to the petitioners, the land in question is situated in Village Kunwarpur, Tehsil Sitarganj, khata no.208, khasra no.273 min, measuring area 0.3722 hectare land which is under category 6(1) submerge land and which is recorded as pound in the revenue records.

5. We dispose of this petition by granting liberty to the petitioners to respond to the show cause notice within next ten days. The SDM shall fix a date for hearing, and after hearing the petitioners, shall pass a reasoned order. In case, the petitioners are aggrieved by the reasoned order that may be passed, the petitioners may avail of their remedies. Till the order is passed, no action shall be taken to evict the petitioners.

6. In sequel thereto, pending application, if any, also stands disposed of.