
(2024) 01 UK CK 0004

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 3587 Of 2023

Digamber Prasad & Another

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 02-01-2024

Acts Referred:

Uttar Pradesh Public Premises (Eviction Of Unauthorised Occupants) Act, 1972 —
Section 4, 5

Citation : (2024) 01 UK CK 0004

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : J.C. Karnatak, Yogesh Chandra Tiwari, Sudhir Kumar Nailwal

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. Petitioners have filed this writ petition, seeking the indulgence of this Court for a direction to the Prescribed Authority, Gairsain, District Chamoli to decide the Case No.7 of 2023, State vs. Digamber Prasad & others, pending before him, under Section 4/5 of the U.P. Public Premises (Eviction of Unauthorised Occupants) Act, 1972 within a stipulated time.

2. Heard learned counsel for the parties.

3. The facts of the case are that petitioners were challaned under the provisions of the U.P. Public Premises (Eviction of Unauthorised Occupants) Act, 1972 in the year 2008 and the challan report was submitted before the Prescribed Authority, Gairsain, Chamoli and a Case No.02 of 2008, State vs. Digamber Prasad & another, under Section 4/5 of the U.P. Public Premises (Eviction of Unauthorised Occupants) Act, 1972 was registered against the petitioners. The said proceedings were culminated into eviction of the petitioners from the property in question vide order dated 11.10.2012. Thereafter, petitioners challenged the said eviction order by filing a Misc. Civil Appeal No.27 of 2012, Digamber Prasad &

another vs. State of Uttarakhand, which was allowed vide judgment and order dated 28.05.2015, whereby the eviction order dated 11.10.2012 was quashed and the matter was remanded back to the Prescribed Authority, Gairsain, District Chamoli to re-hear the matter. After remand, the matter was heard by the Prescribed Authority, Gairsain and the said proceedings were resulted into again, eviction of the petitioner from the property in-question by reason of a judgment and order dated 03.05.2018. The said order was again challenged by filing a Misc. Civil Appeal No.5 of 2019, Digamber Prasad & another vs. State of Uttarakhand, which was decided on 20.07.2023 and again the matter was remanded to decide the matter in view of the observations made by the appellate court in its earlier order dated 28.05.2015 and the said proceedings shall be concluded within a period of one month from the date of passing of the order dated 20.07.2023. Petitioners are now aggrieved by the fact that since the appellate court has directed the Prescribed Authority to decide the said proceedings within a period of one month from the date of passing of the order dated 20.07.2023, but till date, the said matter has not been decided.

4. Petitioners have also annexed the order-sheet after the second time remand of the case to the Prescribed Authority and from perusal of the order-sheet, it appears that it is still pending consideration. Since the proceedings against the petitioners are pending since 2008 and there are directions from the appellate authority to decide the said proceedings within a period of one month from the date of passing of the appellate order dated 20.07.2023, this Court is of the view that the direction is required to be issued to the Prescribed Authority, Gairsain, District Chamoli to decide the Case No.7 of 2023 within stipulated time.

5. In view of the peculiar facts and circumstances of the case, this Court is of the view that the Prescribed Authority, Gairsain, District Chamoli shall be directed to decide the aforesaid Case No.7 of 2023 within a further period of one month from the date of production of certified copy of this order.

6. With the aforesaid observation, the writ petition stands disposed-off.