
(2021) 03 UK CK 0060

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 522 Of 2021

Ishrar Mohammad

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 05-03-2021

Acts Referred:

Citation : (2021) 03 UK CK 0060

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Rajesh Pandey, T.S. Phartiyal

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. Heard learned counsel for the parties.
2. Petitioner is aggrieved by a recovery notice issued to him on 11.12.2020 by the competent authority/Special Land Acquisition Officer, District Udham Singh Nagar. It is alleged in the said notice that petitioner has obtained amount of compensation, based on some forged documents.
3. Learned counsel for the petitioner submits that petitioner is Bhumidhar of the land, which was acquired, and his name was also recorded in the revenue records, therefore, the allegation made in the notice is incorrect.
4. Since the petitioner has already filed objection against the impugned notice before the Competent Authority/Special Land Acquisition Officer, District Udham Singh Nagar, by which he was given an opportunity to put forth his case, therefore, this Court is not inclined to entertain this writ petition at this stage.

5. Accordingly, writ petition is dismissed as premature. However, the petitioner would be at liberty to submit all the documents in support of his claim

that he is the tenure holder of the land in question, by filing a supplementary reply within one week, and the competent authority shall consider all the

aspects of the matter while taking any decision. Such decision shall be taken within three weeks from the date of production of a certified copy of this

order. Till decision is taken by the competent authority; or for a period of three weeks, whichever is earlier, recovery proceedings against the

petitioner shall be kept in abeyance.

6. Pending application, if any, stands disposed of accordingly.

7. Let a certified copy of this order be issued to the learned counsel for the parties, on payment of usual charges, today itself.