
(2022) 07 UK CK 0055

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1387 Of 2022

Mohd. Yamin And Another

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 11-07-2022

Acts Referred:

Citation : (2022) 07 UK CK 0055

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

Bench : Division Bench

Advocate : Ghanshyam Joshi, 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 19.05.2022 issued to the petitioners alleging that the petitioners are encroaching on a government land situated in Khasra No. 346 of Village Meghawala, Tehsil Jaspur, District Udham Singh Nagar. This show cause notice was given by the Sub Divisional Magistrate, Jaspur, 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 19.05.2022, the respondents have required the petitioners to vacate the premises within ten 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 Khasra No. 314 Min in Khata No. 272 of Village Meghawala, Tehsil Jaspur, District Udham Singh Nagar.

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.