

(2025) 06 UK CK 0519

In the Uttarakhand High Court

Case No : Writ Petition No. 1373 Of 2024 (M/S)

M/S Diana Euro-Chem Private Limited

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 17-06-2025

Acts Referred:

Uttar Pradesh Land Revenue Act, 1901 — Section 41

Citation : (2025) 06 UK CK 0519

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : K.P. Upadhyay, Shiv Pandey, Ganesh Kandpal, Manoj Kumar

Final Decision : Disposed Of

Judgement

Ravindra Maithani, J

1. By means of the instant petition, the petitioner seeks the following reliefs:-

“(i) Issue a Writ of Mandamus and/or any other appropriate Writ, order(s)/ direction(s) directing the respondent authorities to demarcate the land belonging to the petitioner as mentioned in paragraph 4 of the present writ petition and to remove all the encroachment done by the respondent authorities for the purpose of construction of Sainya Dham or otherwise, from the land of petitioner.

(ii) Issue a writ of Mandamus and/or any other appropriate Writ, order(s)/ direction(s) directing the respondent authorities to remove all the encroachments from the land belonging to the petitioner as mentioned in paragraph 4 of the present writ petition.

(iii) Issue a writ of Mandamus and/or any other appropriate Writ, order(s)/ direction(s) directing the respondent authorities to not to declare any area as ‘freeze zone’ and not to pass any other to ban construction activity around the area of 500 meters of Sainya Dham in the land which belong to the petitioner.

(iv) Pass any other or further direction/order as this Hon’ble Court may deem fit

and proper in the facts and circumstances of the case in favour of the petitioner.”

2. Heard learned counsel for the parties and perused the record.

3. Learned Senior Counsel appearing for the petitioner would submit that the respondent authorities are constructing a Sainya Dham on the land owned by the petitioner and they are also constructing approach road over the land of the petitioner. Learned Senior Counsel would also submit that an application under Section 41 of the U.P. Land Revenue Act, 1901 (“the Act”) is pending for demarcation of the petitioner’s land, which is Annexure No.8 to the writ petition.

4. Learned State Counsel was required to get instructions. Learned State Counsel, under instructions, would submit that no construction either Sainya Dham or approach road is being made over the property belonging to the petitioner. He has placed for perusal of the Court the instructions, which he received today. Let it be taken on record.

5. Learned State Counsel would also submit that in so far as the relief no.(iii) is concerned, the ‘freeze zone’ notification has already been withdrawn. He would submit that the application under Section 41 of the Act, filed by the petitioner may be decided within a period of four weeks.

6. The Court takes on record the statement given by the learned State Counsel.

7. The petitioner raises concern that Sainya Dham and approach road are being constructed over his land. This fact is totally denied by learned State Counsel. Learned State Counsel would submit that based on the instructions, he has given the statement.

8. It appears that there is some dispute with regard to boundaries. The petitioner has already filed an application for demarcation of his land, which is Annexure No.8 to the writ petition. It has been stated that it shall be decided within four weeks. There are assertions from both the sides. The petitioner claims that his land is being used for construction, which is denied by the respondent State Authorities. This issue cannot be decided in this writ petition. In so far as the application under Section 41 of the Act is concerned, a statement has already been given by learned State Counsel that it shall be decided within four weeks. The writ petition may decide in terms thereof.

9. The writ petition is disposed of with the directions to the respondent authorities to decide the application of the petitioner filed under Section 41 of the Act, which is Annexure No.8 to the writ petition within a period of four weeks from today.

10. When these lines were dictated, learned Senior Counsel appearing for the petitioner would submit that if the statement given by the learned State Counsel is found wrong, the petitioner may be given liberty to agitate the matter further.

11. The petitioner is always free to approach the appropriate forum whenever an issue gives him such an occasion.