

(2023) 07 UK CK 0056

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1950 Of 2023

Mujib-Ur-Rahman And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 10-07-2023

Acts Referred:

Citation : (2023) 07 UK CK 0056

Hon'ble Judges : Vivek Bharti Sharma, J

Bench : Single Bench

Advocate : Rakesh Bhadola, Tribhuwan Phartiyal, Sayad Nadeem

Final Decision : Dismissed

Judgement

Vivek Bharti Sharma, J

1. Instant writ petition has been filed by the petitioners seeking the following relief:-

1. Issue a writ, direction or order in the nature of mandamus to the Respondents No.3 and 4 to ensure demarcation of boundary between holding of the petitioners and the adjoining Nazul plot in occupation of Respondent No.-5 within a reasonable period of time.

2. Counsel for the petitioners would submit that the petitioners are the residents and co-sharer landholders with transferable rights of agricultural plots No.5ka, 5Kha, 6, 7Ka, 7Kha, 8Ka, 8Kha and 9 situated in Village Garighat Chak No.2 of Patti Saneh of Tehsil Kotdwar, District Pauri Garhwal; that, the western boundary of the holding of the petitioners adjoins Nazul plot No.334/878 vested in management of Municipal Corporation of Kotdwar and registered in the name of Mukandi Lal, however, in occupation of respondent no.5; that, the respondent no.3 inspected the site and concluded that there is an encroachment of the land of petitioners by respondent no.5; that, the Revenue Inspector sought the police force from respondent no.3 to make the boundary wall but no action is being

taken by respondent no.3.

3. Counsel for the respondents would submit that this is a matter purely of civil nature and equally efficacious remedy is available in the civil court for which the suit for mandatory injunction may be filed.

4. Having considered the submissions of learned counsel for the parties, in the opinion of the Court, the petitioners have an equally efficacious remedy available to them to approach the Civil Court for redressal of their grievances.

5. Accordingly, the writ petition is dismissed with liberty to the petitioners to approach the appropriate civil court under the appropriate provisions of law for the relief prayed for in this writ petition.