
(2021) 07 UK CK 0245

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1478 Of 2021

Shiv Sewa Vidhya Mandir Samiti & Another
Vs

APPELLANT

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 30-07-2021

Acts Referred:

Citation : (2021) 07 UK CK 0245

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : T.A. Khan, Vinay Bhatt, T.S. Phartiyal

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Heard learned counsel for the parties through video conferencing.
2. According to the petitioners, they are occupying Category-4 land belonging to the State Government in Village Darha, Tehsil Sitarganj, District Udham Singh Nagar, to the extent of 19.04 bigha.
3. It is the case of the petitioners that their possession over such Category-4 land deserves to be regularized in terms of the Government Policy.
4. From perusal of record, it appears that proceedings under Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972 were initiated against the petitioners and a Coordinate Bench of this Court quashed the proceedings by holding that petitioners can be evicted only by invoking provisions contained in U.P. Zamindari Abolition and Land Reforms Act, 1950. It is the case of the petitioners that eviction proceedings under U.P. Zamindari Abolition and Land Reforms Act, 1950 have not been initiated against them as yet.

5. Learned Senior Counsel for the petitioners submits that direction be issued to the Competent Authority to consider petitionersâ?? case for regularization in terms of Government Policy.

6. Having regard to the facts of the case, the writ petition is disposed of with liberty to the petitioners to make representation to District Magistrate,

Udham Singh Nagar. If such representation is made within two weeks from today, decision thereupon shall be taken by District Magistrate, in

accordance with law, as early as possible, preferably within six months from the date of presentation of representation alongwith certified copy of this

order.

7. In case, it is found that unauthorized occupation of the petitioners over public land cannot be regularized, then necessary steps shall be taken for

their eviction, in accordance with law.