



2024:UHC:8002

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPMS No. 2857 of 2024 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> Mr. Rahul Consul, Advocate for the petitioner. 2. Mr. Yogesh Chandra Tiwari, Standing Counsel for the State of Uttarakhand/respondent nos. 1 to 3. 3. Ms. Ananya Jain, Advocate, holding brief of Mr. Sandeep Kothari, Advocate for respondent no. 4. 4. By means of this writ petition, petitioner has sought the following reliefs:- <i>"I. To issue a writ, order or direction in the nature of mandamus commanding the respondents to pass appropriate orders for demarcation on the application of the petitioner dated 08-10- 2024 pursuant to the order dated 16-08-2022 passed by the respondent no. 2 and to carry out the demarcation by use of police force. (Annexure No. 4 & 6)</i> <i>II. To issue a writ, order or direction in the nature of mandamus commanding the respondent no. 4 to pass appropriate orders sanctioning the commercial map submitted by the petition vide application dated 02-09-2024 in file no. 738/2024-25. (Annexure no. 8)</i> <i>III. To issue a writ, order or direction in the nature of mandamus commanding the respondents to ensure that no encroachment is carried out by respondent no. 5 over the property of petitioner."</i> 5. In sum and substance, grievance of petitioner is that no decision has been taken on his representation for demarcation of land.



6. Learned State Counsel was asked to get instructions. Today, on instructions, he submits that petitioner purchased a piece of land by registered sale deed dated 05.10.2019, which was mutated in his favour on 19.11.2019. Thereafter, a correction deed was also executed between the vendor and petitioner, whereby boundaries of land, purchased by him, was changed; a declaration was made in respect of the land purchased by petitioner under Section 143 of UPZA&LR Act as per the boundaries indicated in the original sale deed, and the correction deed was thereafter executed, on 20.09.2022. He submits that after execution of correction deed, whereby boundaries of the land purchased by petitioner have been changed, demarcation is not possible. He further submits that if petitioner makes fresh application for demarcation based on the boundaries, as indicated in the correction deed, then the competent authority shall pass necessary orders.

7. Accordingly, writ petition is disposed of with liberty to petitioner to make fresh application for demarcation, as per the boundaries indicated in the correction deed. If he makes such application, within two weeks from today, the Sub Divisional Magistrate concerned shall consider petitioner's request and pass necessary orders, within six months from the date of making such application, along with certified copy of this order.

(Manoj Kumar Tiwari, A.C.J.)
24.10.2024

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CHANDRA

Digitally signed by NARSEEN CHANDRA
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