



2024:UHC:8997-DB

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPMB No. 527 of 2024 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> <u>Hon'ble Vivek Bharti Sharma, J.</u> 1. Mr. Pankaj Chaturvedi, learned counsel for petitioners, Mr. P.C. Bisht, learned Additional Chief Standing Counsel assisted by Ms. Rajni Supyal, learned Brief Holder for State of Uttarakhand and Mr. I.D. Paliwal, learned Standing Counsel for State of U.P. 2. State of U.P. issued notice to the petitioners, asking them to vacate land belonging to Irrigation Department, which petitioners have allegedly encroached upon. Said notice was issued to petitioners in the month of November, 2023. Petitioners have challenged those notices in this writ petition after more than a year. The reliefs sought in the writ petition are as follows:- “1. A writ order or direction in the nature of certiorari quashing the impugned notice dated 28/29.11.2023 (Annexure-1) passed by the respondent no. 5. 2. A writ order or direction in the nature of mandamus directing respondent no. 3/DM Champawat to demarcate the land of Ward No. 4, 5, 6 of Nagar Panchayat Banbasa (Champawat) and give the opportunity of hearing to the petitioners also. 3. To pass any other order or direction which this Court deems fit and proper. 4. To award cost throughout.” 3. Learned counsel for petitioners contends that petitioners were not given any notice or opportunity of hearing and they were straightway called upon to vacate the land in question.



		4. Learned counsel for State of U.P., however, submits that in the writ petition, it is nowhere stated that petitioners have any right, title or interest over the subject land, nor any document has been enclosed to substantiate their claim for title. Thus, he submits that petitioners admit that they are encroachers upon public land. He further submits that writ petition has been filed after more than a year, which indicates that petitioners are fence-sitters and they have taken a chance by filing this writ petition, although they know that they don't have a case. 5. Learned counsel for petitioners, however, submits that since petitioners are in possession over the land in question for several years, therefore, they are at least entitled to an opportunity of hearing. 6. We, accordingly, dispose of the Writ Petition by providing that petitioners shall be at liberty to submit reply to the impugned notice by treating it to be a show-cause notice. Such reply shall be filed by petitioners within one week from today. Along with their reply, petitioners shall be at liberty to enclose all documents which support their claim regarding title. 7. The Competent Authority in Irrigation and Water Resources Department, State of U.P. will consider the reply submitted by petitioners along with documentary evidence and pass an appropriate order within four weeks from the date of receipt of such document and, if anyone is found in
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8. For a period of six weeks, petitioners shall not be dispossessed.

Mahinder/

Digitally signed by MAHINDER SINGH
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