



2025:UHC:11634-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE MR. G. NARENDAR

AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

31ST DECEMBER, 2025

WRIT PETITION (M/B) NO. 1124 OF 2025

Amjad Khan

.....Petitioner.

Versus

Union of India & others

.....Respondents.

Counsel for the Petitioner	:	Ms. Prabha Naithani, learned counsel.
Counsel for the Union of India	:	Mr. Saurav Adhikari, learned Standing Counsel.
Counsel for State	:	Mr. S.M.S. Mehta, learned Brief Holder.
Counsel for the NHAI	:	Mr. Naresh Pant and Mr. Raunak Pant, learned counsels.

JUDGMENT : (per Mr. G. Narendar, C.J.)

Heard the learned counsel for the petitioner, learned counsel for the NHAI, learned Brief Holder for the State and the learned Standing Counsel for the Union of India.

2. The petitioner has sought for the following reliefs:-

“(i) Issue a writ, order or direction in the nature of Mandamus directing and commanding the respondent authorities, particularly respondent nos.2 to 6 to forthwith remove the illegal encroachment made by respondent no.7 over the acquired National Highway land of Khasra No.299, Village Bhagwanpur, Mustakam, Tehsil Bhagwanpur, District Haridwar in accordance with law;



(ii) Issue a writ, order or direction directing the respondent no.6 (Station House Officer, Police Station Bhagwanpur) to provide adequate police force and necessary assistance for effective implementation of removal of encroachment from the National Highway land;

(iii) Issue a writ, order or direction directing the respondent authorities to strictly comply with the directions of Hon'ble Supreme Court of India passed in Gyan Prakash vs Union of India & Ors. and the consequential directions issued by the State Government of Uttarakhand regarding removal of encroachments from National Highway land."

3. It is the case of the petitioner that he was also the owner of the adjacent land (the land that is presently occupied by respondent no.7), and that he has received compensation from the Authorities and has handed over the possession of the land, but respondent no.7, despite having been awarded the compensation, is continuing in possession and is running his shop there.

4. Per contra, learned counsel for the NHAI and learned Brief Holder for the State submit that the steps have already been initiated to have the encroachment cleared. The communication from the Tehsildar, Bhagwanpur addressed to the Deputy Advocate General is placed on record and the same reads as under:-

"From:

Tehsildar Bhagwanpur



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To,

*Deputy Advocate General,
High Court of Uttarakhand,
Nainital.*

*Number: 332/ R.C.- 2025-26 Date: October 29, 2025
Subject: Regarding Writ Petition No. 1124 (M/B) 2025,
Amjad Khan vs. Union of India & others.*

Dear Sir,

Please refer to your fax dated December 29, 2025, regarding the removal of encroachment from Khasra No.299, village Bhagwanpur Mustahkam, Tehsil Bhagwanpur, and the filing of a reply in the Hon'ble High Court of Uttarakhand, Nainital on the scheduled date of December 30, 2025. In this regard, it is to inform you that:

The National Highways Authority of India, Roorkee Unit, vide letter No.14958 dated October 31, 2025, issued a notice to the encroacher, Mohd. Yusuf son of Nazir, resident of Bhagwanpur, to remove the unauthorized occupation/ encroachment from the National Highway land at Km 17 +220 of NH- 344, Khasra No.299, village Bhagwanpur Mustahkam, Tehsil Bhagwanpur, District Haridwar, within 15 days. Further, the National Highway Project Implementation Unit, Roorkee, vide letter No.15162 dated November 28, 2025, addressed to the Sub-Divisional Magistrate, fixed December 10, 2025 for the removal of the said encroachment and requested the appointment of a Magistrate and sufficient police force. In this connection, the Sub-Divisional Magistrate, Bhagwanpur, vide letter No.636/RA dated December 2, 2025, appointed the Nayab Tehsildar, Bhagwanpur, as the Magistrate and directed the Station House Officer, Bhagwanpur Police Station, to provide sufficient police force on the scheduled date of December 10, 2025. Due to the unavailability of police Force from Bhagwanpur Police Station on the scheduled date of December 10, 2025 no action could be taken to remove the encroachments. A copy of the relevant document is



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attached.

Therefore, further action will be taken upon the National Highway Project Implementation Unit, Roorkee, rescheduling the date.

Enclosure: As above.

Sincerely,
(Dayaram)
Tehsildar
Bhagwanpur"

5. In that view, though, the instant writ petition, in our considered opinion, is not maintainable, yet the writ petition stands disposed of by placing the written instructions issued to the Deputy Advocate General on record.

6. The writ petition stands disposed of.

7. There shall be no order as to costs.

8. As a sequel thereto, pending application, if any, shall stand closed.

G. NARENDAR, C.J.

SUBHASH UPADHYAY, J.

Dated: 31st December, 2025

NISHANT