



| SL. No. | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGE'S ORDERS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|         |      |                                                                                                  | <p><b><u>WPMS/906/2026</u></b></p> <p>Ajaj Hasan</p> <p style="text-align: right;">--Petitioner</p> <p style="text-align: center;"><b>Versus</b></p> <p>Senior Section Engineer and others</p> <p style="text-align: right;">--Respondents</p> <p><b><u>Hon'ble Manoj Kumar Tiwari, J.</u></b></p> <p>Mr. Gaurav Kandpal, Advocate for the petitioner.</p> <p>2. Mr. D.C.S. Rawat, Standing Counsel for the Union of India/respondent nos. 1 &amp; 2.</p> <p>3. Mr. Rakesh Singh Kunwar, Additional Chief Standing Counsel for the State of Uttarakhand/respondent no. 3.</p> <p>4. Mr. B.D. Pande, Advocate for respondent no. 4.</p> <p>5. By means of this writ petition, petitioner has sought the following reliefs:-</p> <p style="padding-left: 40px;"><i>"I. Issue a writ, order or direction in the nature of Certiorari quashing the impugned communication dated 21.02.2026 issued by Respondent No. 2, whereby the petitioner has been directed to pay enhanced rent within seven days or vacate the shop in question; (Annexure No 8) (Page No-48)</i></p> <p style="padding-left: 40px;"><i>II. Issue a writ, order or direction in the nature of Certiorari quashing the letter dated 30.12.2025 issued by Respondent No. 2, whereby the petitioner has been directed to deposit rent and take steps for renewal of the licence/agreement; (Annexure No 6) (Page No-39 to 40)</i></p> |



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|  |  |  | <p><i>III. Issue a writ, order or direction in the nature of Mandamus restraining the Respondents from interfering with the peaceful possession of the petitioner over Shop No. 3 situated at Station Road, Bhawani Ganj, Ramnagar, and from taking any coercive action including eviction.</i></p> <p><i>IV. Issue a writ, order or direction in the nature of Mandamus directing the Respondents not to act upon the impugned notices and not to dispossess the petitioner except in accordance with law.”</i></p> <p>6. According to petitioner, he is in possession of a double storied house, which belonged to petitioner’s maternal grandfather late Abdul Rehman, who bequeathed the said property to his daughter (mother of the petitioner) by a Will and after death of petitioner’s mother, petitioner has succeeded to that property.</p> <p>7. Petitioner is challenging the eviction notice of Indian Railways, as was issued to him, on 21.02.2026.</p> <p>8. Petitioner contends that the land belongs to Nagar Palika Parishad, therefore, Indian Railways has no authority to issue any notice to petitioner.</p> <p>9. Mr. D.C.S. Rawat, learned Counsel appearing for Indian Railways refers to the document enclosed as Annexure-3 to the writ petition, which is copy of the Will, allegedly executed by petitioner’s maternal grandfather in favour of petitioner’s mother. Mr. Rawat submits that petitioner’s maternal grandfather has made a recital in that Will that the land, over which the property in question is standing, belongs to Indian Railways. He also refers to a joint inspection report submitted by revenue authorities for contending that the land belongs to Indian Railways and not to the Nagar Palika</p> |
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|  |  |  | <p>Parishad.</p> <p>10. Without going into the rival contentions raised by learned counsel for the parties, this Court thinks that ends of justice would be met, if petitioner is permitted to raise all contentions in support of his claim that Will belongs to Nagar Palika Parishad, by making a representation to the competent authority.</p> <p>11. Accordingly, the writ petition is disposed of by permitting the petitioner to make representation to the Senior Section Engineer/Works, Indian Railways for redressal of his grievance. If he makes representation within two weeks from today, decision thereupon shall be taken by Senior Section Engineer/Works of Indian Railways, as per law, within eight weeks thereafter. For a period of ten weeks or till decision is taken by Senior Section Engineer, whichever is earlier, petitioner shall not be dispossessed from the property in question.</p> <p style="text-align: right;"><b>(Manoj Kumar Tiwari, J.)</b><br/>12.08.2026</p> <p>Navin<br/>NAVEEN<br/>CHANDRA</p>  |
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