



2026:UHC:4788

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/1543/2026</u> with <u>WPMS/1546/2026</u> <u>WPMS/1562/2026</u> <u>WPMS/1564/2026</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Sandeep Tiwari and Mr. Deepak Joshi, Advocates for the petitioners. 2. Mr. Manoj Kumar, Standing Counsel for the Union of India/ respondent no. 1. 3. Mr. Naresh Pant (through video conferencing) and Mr. Raunak Pant, Advocates for respondent no. 2. 4. Mr. Yogesh Pandey, Deputy Advocate General for the State of Uttarakhand/ respondent nos. 3 to 5. 5. Since common questions of law and fact are involved in these petitions, therefore, they are being heard and decided together. However, for the sake of brevity and convenience, facts of WPMS No. 1543 of 2026 alone are being considered and discussed. 6. By means of this writ petition, petitioner has sought the following reliefs:- “(i) Issue a writ, order, or direction in the nature of Mandamus commanding the Respondents, particularly Respondent No. 2, not to interfere with the peaceful possession of the petitioner over the remaining unacquired land measuring 0.2800 hectares in Khet/Gata Nos. 9 situated at Village Bhawanipur Kishna, Tehsil Lalkuan, District Nainital.



			(ii) Issue a writ, order or direction in the nature of Mandamus directing Respondent No. 3 and 5 to conduct demarcation of Khet No. 9 through the Revenue Department to establish the clear boundaries of the unacquired land.” 7. Learned counsel for the petitioner submits that 0.0610 hectare land (<i>Khet No. 9</i>), belonging to petitioner situate in Village Bhawanipur Kishna, Tehsil Lalkuan, District Nainital was acquired for widening of NH No.-87 in the year 2012-13 and due compensation was paid for the acquired land, however, the National Highways Authority of India (hereinafter referred to as ‘NHA’) is trying to construct road even on such land, which was not subject matter of acquisition. 8. Learned counsel for NHA, however, submit that even though petitioner received the entire compensation for the land, including structure which was acquired for construction on the land, however, petitioner did not hand over vacant possession of the acquired land. Thus, it is contended that petitioner is now seeking protection from this Court against dispossession from the land, which was acquired by NHA. 9. This Court, vide order dated 02.06.2026 directed the Authority to hold joint inspection of the land in question. The Joint Inspection Report is placed on record. 10. Learned counsel for the respondents, however, questions the correctness of the Joint Inspection Report by submitting that State Public Works Department transferred the land to National Highways Authority of India
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			in the year 2000; right of way of 33 meters was transferred to NHAI and the team of revenue officials has not taken note of acquisition proceedings, which were concluded in the year 2013. 11. Per contra, learned counsel for the petitioners submits that Survey Report is correct and only 10 meters right of way was transferred by Public Works Department to NHAI. 12. Since there is a factual dispute as to whether the land, which NHAI is claiming possession of was subject matter of acquisition proceedings or not, therefore, this Court do not find it proper to entertain the writ petitions, as disputed questions of fact cannot be decided without recording evidence and without examining witnesses. 13. The writ petitions are, accordingly, disposed of with liberty to petitioners to approach the Competent Court of Law. 14. Only for a period of one week from today, petitioners shall not be dispossessed from the land in question. (Manoj Kumar Tiwari, J.) 15.06.2026 Navin
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