

**HIGH COURT OF UTTARAKHAND AT NAINITAL****HON'BLE SRI JUSTICE MANOJ KUMAR TIWARI****AND****HON'BLE SRI JUSTICE PANKAJ PUROHIT****Writ Petition (M/B) No. 540 of 2026****2 July, 2026**

Dr. Iftikhar

...Petitioner

Versus

State of Uttarakhand & others.

...Respondents

Counsel for the petitioner : Mr. Akshay Pradhan, learned counsel.

Counsel for the respondent nos. 1 to 4: Mr. Sachin Mohan Singh Mehta, learned
Standing Counsel for the State of
Uttarakhand.

Counsel for respondent no. 5 : Mr. Parikshit Saini, learned counsel.

JUDGMENT : (per Sri Manoj Kumar Tiwari, J.)

Petitioner is challenging the order dated 19.06.2026 passed by Joint Magistrate, Roorkee, District Haridwar, which is on record as Annexure-1 to the writ petition. By said order, Executive Officer, Nagar Palika Parishad, Manglour was asked to recover possession of the water body land by removing encroachments. Petitioner apprehends that his house will be demolished by the Executive Officer, pursuant to the said order.

2. Learned counsel for petitioner contends that petitioner purchased 1130 square meter land by registered sale deed dated 14.09.2010 from five different persons. He further submits that the said land was



thereafter declared as having been used for non-agricultural purposes under Section 5(c) of Consolidation of Holdings Act, 1953. Thus, he contends that it is wrong to allege that the land in question, over which petitioner raised construction, is water body land.

3. Per contra, learned State Counsel as well as Mr. Parikshit Saini, learned counsel appearing for Nagar Palika Parishad submit that pursuant to order passed in WPIL No. 27 of 2025, a team of revenue officials was constituted by Sub Divisional Magistrate, Roorkee, which surveyed land in question and when it was found that water body land is encroached upon by certain persons, including petitioner, then the Joint Magistrate passed the order, which is impugned in this writ petition. Mr. Saini, learned counsel appearing for Nagar Palika Parishad further submits that petitioner claims to have purchased land in Khasra No. 1654/3 admeasuring 0.1130 hectare, however, during survey, he was found occupying land much in excess of what he purchased. He points out that petitioner was found to have encroached upon 265.29 square meter land, over and above the land purchased by him in 2010.

4. Since petitioner is facing imminent threat of demolition and he has raised a grievance that he was not given adequate opportunity of hearing, therefore, we dispose of the writ petition with liberty to petitioner to make representation enclosing all documents, which support his claim that he has not encroached upon water body land and construction raised by him exists on his bhumidhari land. If petitioner makes such representation within one week from today, Joint Magistrate/Sub



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Divisional Magistrate, Roorkee shall have the land surveyed by a team of revenue and survey officials. If what petitioner states is found correct after survey, Sub Divisional Magistrate will pass order exempting the petitioner from demolition drive, within two months from today. For a period of two months or till fresh order is passed by Sub Divisional Magistrate/ Joint Magistrate, whichever is earlier, status quo as on today shall be maintained.

5. Learned State Counsel as well as learned counsel appearing for Nagar Palika Parishad undertake to communicate this order to the concerned authority, during the course of the day.

(Pankaj Purohit, J.)

(Manoj Kumar Tiwari, J)

02.07.2026

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NAVEEN CHANDRA

Digitally signed by Naveen Chandra, DN: cn=Naveen Chandra, o=UK High Court of Uttarakhand, email=naveen.chandra@ukhc.org, c=IN