2026:UHC:6538-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Special Appeal No.327 of 2026
29th July, 2026

Prakash Chandra Tiwari -----Appellant

Versus

State of Uttarakhand and Others ----Respondents

Presence:-
Mr. Deepak Petshali, learned counsel for the appellant.
Mr. Sachin Mohan Singh Mehta, learned Standing Counsel and Mr. M.S. Bisht, learned Brief Holder for the State of Uttarakhand.

JUDGMENT : (per Mr. Manoj Kumar Gupta C. J.)

1. Heard learned counsel for the parties.

2. The appellant filed the writ petition praying for the following relief:

> *"I) Issue a Writ, order or direction in nature of Mandamus commanding the respondents to properly consider and grant rehabilitation and resettlement benefits to the petitioners in accordance with the RFCTLARR Act, 2013.*
>
> *II) Issue a Writ, order or direction in the nature of mandamus to restraining the respondents from taking any coercive action, dispossessing the petitioner or causing further demolition till final adjudication of the petitioner's rehabilitation claim.*
>
> *III) Issue a writ order or direction commanding the respondents to decide the petitioner's pending proceedings under Section 64 of the RFCTLARR Act, 2013 by a reasoned and speaking order within a time bound period (ANNEXURE No.2) Pg No. 15-22"*

3. It is admitted that the land of the appellant was

acquired under the provisions of the National Highways Act and it appears from the pleading that an award was also made in respect of the acquired land.

4. The case of the appellant is that the State-respondents have proposed allotment of some land in favour of the appellant by way of rehabilitation but actual allotment has not been made so far. The appellant is stated to have preferred a reference under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 on 22.11.2025 and it has been registered as Misc. Civil Case No.25 of 2025 before the District Judge /Authority.

5. The learned Single Judge has disposed of the writ petition giving liberty to the appellant to make representation before the District Magistrate with further direction to the District Magistrate to decide the representation, in accordance with law, within three months. Aggrieved thereby the instant appeal has been filed.

6. As far as relief no.2 prayed for in the writ petition is concerned, the same cannot be granted as the land has been duly acquired. In respect of the claim of the appellant / petitioner regarding rehabilitation benefits reference is already pending before the District Judge/ Authority. The only relief which can, therefore, be granted

to the appellant is that made in prayer no.3.

7. Accordingly, the appeal is disposed of with direction to the District Judge/ Authority to decide the reference application registered as Misc. Civil Case No.25 of 2025 expeditiously, preferably within three months from the date of communication of the instant order.

8. The order of learned Single Judge shall stand modified accordingly.

9. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 28.07.2026
ss