



2026:UHC:2957-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
Writ Petition (PIL) No.177 of 2025
April 22, 2026

Satnam Das and Others -----Petitioners

Versus

State of Uttarakhand & Others -----Respondents

Presence:-

Mr. S.R.S. Gill and Mr. Milind Raj, learned counsel for the petitioners
Mr. B.S. Parihar, learned Additional C.S.C. with Mr. Sachin Mohan Singh Mehta,
learned Brief Holder for the State.

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

1. Heard learned counsel for the parties.
2. The present writ petition has been filed purportedly in public interest seeking a writ of mandamus directing the respondents authorities to forthwith remove encroachment from khasra no.1007 (Old No.196/2) situated at Village Sakainiya, Tehsil Gadarpur, District Udham Singh Nagar.
3. The case of the petitioner is that the said land was originally a pond and drain but now it has been encroached by several persons.



4. On 24.09.2025, this Court directed the SDM Gadarpur, District Udham Singh Nagar to file his affidavit in response to the stand taken in the writ petition. In compliance of the said order, the SDM concerned has filed her affidavit and the stand taken in paragraph nos.8, 9, 10 and 11 thereof are as follows:-

"8. That on 10.11.2025, the encroachment has been removed from the pond land recorded in Khasara no. 196/2 (new no. 1007) in the presence of official of P.W.D., Tehsil Administration and other departments. It is further submitted that after removal of said encroachment, the said land is handed over to the official of Block Development Office for cleaning and beautification. A true of the physical proceeding dated 10.11.2025 for removal of encroachment and photographs are being annexed herewith and marked as Annexure No. CA-3 to the affidavit.

9. That in the open meeting of Village Panchayat Sakainiya under Chairmanship of Village Pradhan, which was held on 06.11.2025, the proposal has been passed for cleaning, beautification of Pond and establishment of solar lights, A true copy of the minutes of meeting dated 06.11.2025 is being annexed herewith and marked as Annexure No. CA-4 to the affidavit.

10. That the village Panchayat Development Officer vide its letter dated 11.11.2025 informed to the answering respondent that after the removal of encroachment, the work of cleaning and garbage removal is currently going



on by the village panchayat, which will be completed soon and the proposal for beautification of pond, cleaning system and other arrangement was proposed in the open meeting of village Panchayat on 06.11.2025. A true copy of the letter dated 11.11.2025 is being annexed herewith and marked as Annexure No. CA-5 to the affidavit.

11. That the statement made in the writ petition that the area of the pond has been reduced from 0.096 Hectare to 0.290 Hectare. In reply it is submitted that in fasli year 1361 (1951), the khasara no. 196 area 0.724 Hectare was recorded as category 5(1) land navin Parati Jadid (Government land). The consolidation proceeding has been completed in the year 2002. During the consolidation proceedings, the old khasara no. 196 area 0.724 Hectare was divided into 5 khasara numbers. The khasara no. 857 area 0.019 Hectare was recorded as a road, Khasara no. 1002 area 0.070 Hectare was recorded as a canal, Khasara no. 1004 area 0.185 Hectare was recorded as populated area, Khasara no. 1007 area 0.290 Hectare was recorded as pond a khasara no. 1008 area 0.160 Hectare was recorded as a populated area. It is further submitted that the area of the pond never been reduced. A true copy of the khatoni of Fasli year 1361 is being annexed herewith and marked as Annexure No. CA-6 to the affidavit.”

5. The petitioner has not filed rejoinder affidavit rebutting the stand taken in the counter affidavit, although he has filed an application along with affidavit for



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impleadment of the persons alleged to have illegally occupied the land in question.

6. As the specific stand of the respondents is that the encroachments have already been removed on 10.11.2025 and the work of cleaning and garbage removal is currently underway and that the Village Panchayat has already approved a scheme for beautification of pond and establishment of solar lights, we are not inclined to keep the matter pending any further. The proceedings are accordingly closed. The present petition stands disposed of.

7. Pending application(s), if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 22.04.2026

Rajni

**RAJINI
GUSAIN**

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