SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
	03.11.2026		**SPA/48/2022** Maan Singh Karki Alias Man Bahadur Singh Karki --Petitioner Versus State Of Uttarakhand --Respondent **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** 1. Mr. Shivam Raturi, learned counsel holding brief of Mr. Shailendra Nauriyal, learned counsel for petitioner. 2. Mr. B.P.S. Mer, learned Standing Counsel for State of Uttarakhand. 3. This intra-court appeal is directed against judgment and order dated 25.08.2021 rendered by learned Single Judge in WPMS/1636/2021. By the said judgment, the writ petition filed by appellant was dismissed. The impugned judgment is reproduced below for ready reference : *"Mr. Shailendra Nauriyal, Advocate for the petitioner.* *Mr. Rakesh Kunwar, Addl. C.S.C. for the State of Uttarakhand.* *As a consequence of the natural calamity, which has chanced way back in 1977-79 in Tehsil Dharchula, District Pithoragarh, due to earth quake, the persons who were effected by the said natural calamity were rehabilated under the policy of the State Government, and it is not in dispute that the incident of natural calamity which had chanced way back in 1977-79, due to the earth quick and later on the petitioner under the rehabilitation policy and taking the advantage of it was rehabilitated way back in 1983.* *The petitioner's contention in the present Writ Petition are that though despite of the fact that he has availed the benefit of the rehabilitation and has settled himself in pursuance to the policy of the State Government, way back in 1982-83, now he intends to shift his place of abode or the place of allotment, expecting it to be changed and made in his favour to the place, adjoining to the place where his brothers have been similarly settled at Sitarganj and the foundation for filing of the writ of mandamus for seeking an appropriate direction, is based on a representation, which he has submitted before the Prime Minister Office, on which, the reference was made to the State Authorities to take a decision.* *I am of the view that merely a correspondence or a reference made by the Prime Minister office on the*

representation of the petitioner, directing the competent authority to take a decision, will not fall to be an enforcement of a right contemplated under law and the writ of mandamus of the nature claimed for in the Writ Petition, would not be tenable and that too after the lapse of decades together, since the date of his actual rehabilitation in 1983.

Hence, the nature and for the relief for which, the Writ Petition has been preferred and the factual backdrop behind it, for the relief claimed, cannot be granted to him by way of writ of mandamus, in the exercise of jurisdiction under Article 226 of the Constitution of India.

Hence, the Writ Petition lacks merit and the same is accordingly dismissed."

4. Learned Single Judge has dismissed the writ petition filed by appellant, by holding that he was rehabilitated in the year 1983. However, perusal of the record reveals that appellant was not given any benefit of the rehabilitation policy, even though his village was hit by earthquake in the year 1977-79. The communication issued by District Magistrate to Secretary, Disaster Management Department on 09.01.2019 refers to delay as the reason for not acceding to appellant's request for compensation/ allotment of alternate land, and it does not indicate that any land was allotted to appellant, either at Dharchula or at Sitargang. Therefore, the view taken by learned Single Judge, that appellant was rehabilitated by allotting suitable land, is factually incorrect.

5. We, therefore, allow the appeal, and set-aside the impugned judgment, and direct the Secretary, Disaster Management Department, Govt. of Uttarakhand to consider the claim of appellant for monetary compensation/ allotment of land under Rehabilitation Policy, within a period of nine months from the date of presentation of certified copy of this order by appellant.

(Subhash Upadhyay, J.)
03.11.2026

(Manoj Kumar Tiwari, A.C.J.)
03.11.2026

Rahul

RAHUL
PRAJAPATI