HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 807 of 2026

23 April, 2026

Mohd Akram

--Petitioner

Versus

District Magistrate Haridwar & others

--Respondents

Presence:-
Mr. Bilal Ahmed, learned counsel for the petitioner.
Mr. Yogesh Pandey, learned Deputy Advocate General for the State.

Hon'ble Pankaj Purohit, J.

Petitioner has moved an application for demarcation of the property in question on 03.11.2025, annexure-4 to the writ petition, on which the learned Assistant Collector, 1st Class, Roorkee, District Haridwar, has endorsed a direction to the Tehsildar, Roorkee, to enquire into the matter and do the needful. However, as nothing has been done on the said application moved by the petitioner, the petitioner was constrained to file the present writ petition before this Court for the following reliefs:-

> *"(i) Issue a writ order or direction in the nature of mandamus directing the respondent authorities to conduct proper demarcation of the petitioner's land bearing Khasra No.716, situated at Village Piran Kaliyar, Tehsil Roorkee, District Haridwar.*
>
> *(ii) Issue a writ order or direction in the nature of mandamus directing the respondent authorities to remove the illegal encroachment and unauthorized construction raised by private respondents over the petitioner's land."*

2. Vide order dated 18.04.2026, this Court directed Mr. Yogesh Pandey, learned Deputy Advocate General to seek instructions in the matter.

3. Today, instructions have been received and the same are taken on record. On the basis of the instructions, it is submitted that the petitioner has not properly moved an application under Section 41 of the U.P. Land Revenue Act, 1901; rather, it was in the nature of a representation. However, an order was still passed thereon directing the Tehsildar, Roorkee, to enquire into the matter. As per the instructions, the same did not reach the Tehsildar, Roorkee, and therefore, it could not be processed.

4. The reasons given by the State appear to be fallacious on the face of it, as it cannot be accepted that a person who has been pursuing his remedy for demarcation up to the High Court level would not submit the same before the office of the Tehsildar, Roorkee. However, in order to settle the controversy, this Court proposes to dispose of the writ petition with a direction to the petitioner to file a fresh and proper application under Section 41 of the U.P. Land Revenue Act, 1901 before the court of the Assistant Collector, 1st Class, Roorkee, District Haridwar, within ten days. Upon such application being filed by the petitioner, the same shall be decided by the Assistant Collector, 1st Class, Roorkee, within three months from the date of filing of such application.

5. The writ petition is disposed of accordingly.

6. Pending application, if any, stands disposed of accordingly.

(**Pankaj Purohit, J**.)
23.04.2026

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