



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 990 of 2026

22 April, 2026

SPE Solar Private Limited

--Petitioner

Versus

State Of Uttarakhand and Others

--Respondents

Presence:-

Mr. D.C.S. Rawat and Mr. Aditya Kumar, learned counsel for petitioner.

Mr. Yogesh Pandey, learned D.A.G. for the State of Uttarakhand/respondent Nos.1 to 4.

Ms. Abhilasha Tomar, learned counsel holding brief of Mr. Dharmendra Barthwal, learned counsel for respondent No.6/UPCL.

Hon'ble Pankaj Purohit, J. (Oral)

This writ petition has been filed by the petitioner against the show cause notice dated 02.04.2026 issued under the hand of respondent No.3-SDM, Bhikiyasen, whereby, petitioner was called upon to show cause within a period of 10 days as to why the solar plant installed by the petitioner as encroachment over the state land be not uninstalled.

2. This Court sought instruction from the respondents-State as to whether the reply sent by petitioner to respondent No.3 through e-mail on 13.04.2026 as well as through Speed Post on 13.04.2026 were considered or not.

3. On instruction received and produced by learned D.A.G. before this Court, it was submitted by learned D.A.G. on 20.04.2026 that the reply has not been received, therefore, some part of the solar plant, which was allegedly installed over the State land, was removed



on 17.04.2026. At this, this Court directed the respondent No.3-SDM, Bhikiyasen, to remain present before this Court today to explain as to why without waiting for reply from the petitioner, she, in undue haste and prejudicial to the interests of petitioner, taken the action.

4. Today, Ms. Yakshi Arora, learned SDM, Bhikiyasen, District Almora is present before this Court along with record of the case as directed by this Court.

5. It is contended by learned SDM, Bhikiyasen that the reply was never been received in the office of respondent No.3-SDM within 10 days pursuant to notice dated 02.04.2026 and the e-mail which was received in the office of respondent No.3-SDM, was simply for request to give the petitioner one week's time to remove the encroachment, if any, made by the petitioner over the State land, therefore, on 17.04.2026, only the portion of the solar plant, which was installed over the State land as encroachment, has been removed. It is further contended by her that rest of the solar plant, which was installed over the lease land taken by petitioner, has not been disturbed.

6. It is further submitted by learned SDM that the encroachment has been removed by the assistance of joint technical team comprising officials from respondent No.6-UPCL, respondent No.5-UREDA and respondent No.4-Tehsildar concerned, but, still some encroachment is yet to be removed.

7. Be that as it may. This Court is of the view that in the given situation that the petitioner's reply has now received in the office of SDM, Bhikiyasen, which fact is admitted by learned SDM, Bhikiyasen, the same should



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be considered in accordance with law after giving opportunity of hearing to the petitioner as well as to all the stakeholders who has been given lease land in dispute and shall remove every encroachment made in the State land.

8. Accordingly, the present writ petition is disposed of.

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

(Pankaj Purohit, J.)

22.04.2026

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