HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 1057 of 2026

22 April, 2026

Brij Bhushan Sahu --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

Presence:-

Mr. Ajay Joshi, learned counsel for petitioner.

Mr. N.S. Pundir, learned D.A.G. for the State of Uttarakhand/respondents.

Hon'ble Pankaj Purohit, J. (Oral)

This writ petition has been filed by petitioner quashing the notice/order dated 28.03.2026 (Annexure No.5), whereby, petitioner was directed to remove the encroachment done on government land within 15 days of the receipt of notice or else respondents shall demolish the said encroachment forcibly and shall also recover the expenses incurred in removal of encroachment as well as prayed for restraining the respondents from dispossessing the petitioner from his private property and/or demolishing his private property without following any due process of law.

2. It is submitted by learned counsel for petitioner that the petitioner purchased a shop for commercial use being Khasra No.17Ga admeasuring 24.66 sq. mtr. situated adjacent to the gate of Naveen Mandi, Haldwani, from one Mr. Kamal Pal S/o Shri Maharajdeep Pal and Raghuveer Pal S/o Gayadeen vide registered sale deed dated 30.01.2021. The said property in-question is land belonging to special category 1(Ga) land and the said property was got mutated in the name of petitioner vide order dated 09.04.2021 in revenue records.

3. It is further submitted by learned counsel for petitioner that vide impugned notice/order dated 28.03.2026 issued by respondent by respondent Nos.2 and 3 on 03.04.2026, petitioner was directed to remove the encroachment done on government land within 15 days from the date of receipt of notice or else respondents shall demolish the said encroachment forcibly and shall also recover the expenses incurred in removal of encroachment of the petitioner.

4. Learned counsel for petitioner further contends that pursuant to the aforesaid notice/order dated 28.03.2026, petitioner filed a representation before respondent Nos.2 and 3 on 09.04.2026 (Annexure Nos.6 and 7 to the writ petition) stating his grievances, but till date no decision has been taken on the said representation.

5. He further contends that though the notice dated 28.03.2026 has been sent to the petitioner, but by the impugned notice, petitioner was directed to remove the alleged encroachment within 15 days without giving opportunity of hearing to petitioner, thus, it is reflected that it is not a show cause notice rather it is a notice for removal of alleged encroachment by the petitioner. The petitioner has right, interest and title over the said property.

6. Having heard learned counsel for petitioner and having perused the impugned order as well as the entire document available on record, this Court is of the view that the ends of justice would be met, if a direction be issued to concerned authorities to decide the representation of petitioner, which is still pending consideration before the authority concerned, within a stipulated period.

7. Accordingly, the present writ petition is finally disposed of, with a direction to concerned authorities to take decision on the representations made by petitioner dated 09.04.2026 (Annexure Nos.6 and 7 to the writ petition) within a period of one week from the date of production of certified copy of this order in accordance with law, after giving opportunity of hearing to the petitioner. It is directed that the petitioner shall bring the required documents viz. documents of ownership and possession, when he would appear before the concerned authorities. It is provided that till the decision is taken on the representation made by petitioner, he shall not be dispossessed from the property in-question.

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

(**Pankaj Purohit, J**.)
22.04.2026

PN