



2026:UHC:2997

HIGH COURT OF UTTARAKHAND AT NAINITAL

1. Writ Petition Misc. Single No.1070 of 2026

Rizwan Khan @ Lala @ Shanno --Petitioner

Versus

District Magistrate/Collector and Others --Respondents

2. Writ Petition Misc. Single No.1071 of 2026

Monish Khan --Petitioner

Versus

District Magistrate/Collector and Others --Respondents

3. Writ Petition Misc. Single No.1072 of 2026

Mohd. Haneef --Petitioner

Versus

District Magistrate/Collector and Others --Respondents

4. Writ Petition Misc. Single No.1073 of 2026

Danish --Petitioner

Versus

District Magistrate/Collector and Others --Respondents

5. Writ Petition Misc. Single No.1074 of 2026

Arslan Raza --Petitioner

Versus

District Magistrate/Collector and Others --Respondents

6. Writ Petition Misc. Single No.1088 of 2026

Sakib Khan --Petitioner

Versus

District Magistrate/Collector and Others --Respondents

7. Writ Petition Misc. Single No.1089 of 2026

Mohd. Raza Khan --Petitioner

Versus

District Magistrate/Collector and Others --Respondents

8. Writ Petition Misc. Single No.1090 of 2026

Ayan Raza Khan --Petitioner

Versus

District Magistrate/Collector and Others --Respondents

9. Writ Petition Misc. Single No.1091 of 2026

Rahis Khan --Petitioner

Versus

District Magistrate/Collector and Others --Respondents

Presence:-

Ms. Shazia Parveen, learned counsel holding brief of Mr. Parikshit Saini, learned counsel for petitioners.

Mr. Yogesh Pandey, learned D.A.G. and Mr. Suyash Pant, learned Standing Counsel for the State of Uttarakhand/



respondent Nos.1 and 3.

*Mr. Vipul Sharma, learned counsel for respondent No.2/
Nagar Nigam, through V.C.*

*Mr. Naresh Pant, learned counsel for respondent No.4/
NHAI, through V.C.*

Hon'ble Pankaj Purohit, J.

Since all the writ petitions involve common facts and questions of law, they are being decided by this common judgment and order. However, for the sake of convenience, facts of WPMS No.1070 of 2026 are alone being considered.

2. These writ petitions have been filed by the petitioners seeking quashing of the impugned notice dated 06.04.2026 (Annexure-5 to the writ petitions), whereby, petitioners were directed to remove the encroachment over the land in-question within a period of 15 days. Instead of removing the alleged encroachment, petitioners have challenged the said notice before this Court and have further sought a direction by way of a writ of mandamus to the respondents to constitute a Committee as provided under the order dated 26.12.2024 passed by Division Bench of this Court in WPIL No.192 of 2024.

3. Learned counsel for petitioners submits that the Division Bench of this Court, in Writ Petition (PIL) No. 192 of 2024, vide order dated 26.12.2024, directed that a Committee be constituted to examine the documents pertaining to the petitioners' rights and entitlements. He has relied upon paragraph 7 of the said order, which is quoted hereinbelow:

"7. We, therefore, dispose of the writ petition by directing District Magistrate, Udham Singh Nagar to constitute a committee consisting of not less than three senior officers, which shall look into the complaints regarding encroachment, not only in Tehsil Sitarganj, but, in all Tehsils of District Udham Singh Nagar, within four months from date of constitution of such committee. We hope and expect that District Magistrate shall constitute the committee, within ten days from receipt of certified copy of this order. Based on the report of committee, the competent authority shall take necessary steps, for



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removing encroachment from public land, after giving fifteen days notice to the persons, found to be in encroachment over public land. The encroachment shall be removed, but, only after considering the reply, if any, submitted by concerned persons, found to be in encroachment over public land. This Court hopes and expects that this entire exercise shall be completed, within eight months.”

4. Learned State Counsel submits that the land in-question is Government land and that the petitioners are rank encroachers over the said piece of land. Therefore, they have been asked to vacate the land for the smooth execution of the construction/widening of National Highway No. 74.

5. Having heard the rival submissions of learned counsel for the parties, and particularly in view of the order dated 26.12.2024 passed by the Division Bench of this Court, this Court is of the opinion that, before directing the petitioners to remove the encroachment, they have a right to be heard in accordance with law before the Committee constituted under paragraph 7 of the order dated 26.12.2024.

6. In view of the above, all the writ petitions are finally disposed of, with a direction to respondent No.1 to constitute a Committee consisting of not less than three senior officers, which shall look into the complaints regarding encroachment. The petitioners shall submit their documents of ownership and possession before the said Committee within a period of one week. Thereafter, the Committee shall examine the same and take a decision within 15 days, passing appropriate orders in accordance with law. Till such decision is taken by the Committee, petitioners shall not be removed from the land in-question.

(Pankaj Purohit, J.)
23.04.2026

PN