SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	UKHC010091322020 2026:UHC:10764-DB COURT'S OR JUDGES'S ORDERS
	23.11.2026		SPA No. 188 of 2020 **Khub Singh** .....**Appellant** **Vs.** **State of Uttarakhand & others** .....**Respondents** **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** 1. Mr. S.K. Mandal, learned counsel for the appellant. 2. Mr. J.C. Pande, learned Standing Counsel for the State. 3. This intra-court appeal is directed against judgment and order dated 29.08.2020, rendered by learned Single Judge, in Writ Petition (M/S) No.1408 of 2020. 4. Operative portion of judgment is reproduced below:- *"So far as his complaint is concerned, on his complaint, the action was taken and a report had been submitted that in case if he has any grievance against the criminal act of the private respondent, he has got a remedy to register an FIR.* *Looking to the entirety of the facts involved in the writ petition, this Court is of the view that nature of dispute raised in the writ jurisdiction is purely of a civil nature, which could be satisfactorily redressed by drawing the appropriate proceedings before the Competent Court. Writ Court cannot scrutinize the factual determination of an inter se right and dispute between respondent no. 5 and the petitioner, particularly, when in the absence of their being any revenue record filed in the writ petition showing that the land in question is recorded as a public road.* *In that view of the matter, leaving it open for the petitioner to have his recourses available before the Competent Civil or Revenue Court, as available to him under law. I hold that the nature of mandamus sought for as against private respondent no. 5, cannot be granted in a writ jurisdiction, where it entails a factual determination of evidence and rights between the parties.* *Consequently, the writ petition lacks merits and the same is dismissed."* 5. In the writ petition, appellant had sought a direction to State Authorities to restore the chak road going to agricultural plot no.106 of the petitioner situated in Village Ganeshpur, Tehsil Kashipur, District Udham Singh Nagar. The writ petition, however, was dismissed on the ground that dispute raised by petitioner is civil in nature, which can be decided by Competent Court, as factual disputes cannot be resolved in a writ petition. 6. Learned State Counsel, however, refers to affidavit

			filed by Mr. Bipin Chandra Pant, Tehsildar, Kashipur, District Udham Singh Nagar, in compliance of order dated 15.03.2021. A report submitted by Revenue Sub-Inspector is enclosed as Annexure No.4 to the said affidavit, wherein it is stated that the person, who has made encroachment over the chak road, was asked to remove his encroachment immediately after harvesting of standing crop. 7. Mr. J.C. Pande, learned Standing Counsel, on instructions, makes a statement that whatever encroachment made on chak road was removed on 08.04.2021. 8. Learned counsel for the appellant submits that after removal of encroachment, grievance raised by appellant in his writ petition, does not survive and the special appeal has become infructuous. 9. In such view of the matter, the special appeal is disposed of as infructuous in terms of the statement made by learned State Counsel. 10. Pending application, if any, also stands disposed of. **(Subhash Upadhyay, J.)** **(Manoj Kumar Tiwari, A.C.J.)** **23.11.2026** **23.11.2026** NISHANT NISHANT KUMAR