2026:UHC:9995-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE ACTING CHIEF JUSTICE MR. MANOJ KUMAR TIWARI

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

October 31, 2026

Writ Petition (M/S) No.2460 of 2023

Umesh Chandra Nautiyal ----Petitioner

Versus

State of Uttarakhand & Others ----Respondents

And

Writ Petition (M/S) No.2591 of 2023

Ajit Singh Pundir and Others ----Petitioners

Versus

State of Uttarakhand & Others ----Respondents

Presence:-

None present for the petitioner in WPMS No.2460/2023

Ms. Ananya Jain, Advocate, holding brief of Mr. Sandeep Kothari, learned counsel for the petitioners in WPMS No.2591/2023.

Mr. B.S. Parihar, learned Additional C.S.C. with Mr. M.S. Bisht, learned Standing Counsel for the State

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The Court made the following:

JUDGMENT: **(per Hon'ble Justice Sri Manoj Kumar Tiwari, A.C.J.)**

1. Notices were issued against the petitioners asking them to remove their encroachment from government/forest land. Petitioners have filed these writ petitions challenging the eviction notices.

2. Since common question of law and facts are involved in these writ petitions, therefore, they are being

heard and decided by this common judgment. However, for sake of brevity, facts of WPMS No.2460/2023 alone, are being considered and discussed.

3. The relief sought in WPMS No.2460/2023 is as follows:-

> *"(i) Issue writ, order or direction in the nature of certiorari quashing the impugned encroachment notice no.451/6C dated 19.08.2023 and notice no.452/6C dated 19.08.2023 issued by the office of Assistant Engineer, Construction Division, PWD, Duggadda, Pauri Garhwal annexed as Annexure No.1 & 2 to this writ petition."*

4. The impugned notices dated 19.08.2023 are enclosed as Annexure Nos.1 and 2 to the writ petition. It is mentioned in the notice that petitioner (Umesh Chandra Nautiyal) has encroached public land belonging to PWD on roadside, and which has resulted in reduction in width of the road and is creating bottleneck; petitioner was asked to remove his encroachment many times but he has not removed his encroachment, and there is every possibility of road accidents happening due to encroachment raised by the petitioner and petitioner was asked to remove encroachment within three days, failing which encroachment made by him shall be removed at petitioner's cost and expense.

5. Our attention is drawn to order passed by Coordinate Bench on 17.10.2023. Relevant extract of said

order is reproduced below:-

> *"4. We direct the State to file its affidavit in response to the Preliminary Report submitted by Mr. Mainali. At the same time, we direct the State to implement the suggestions given by Mr. Mainali in his report. The State shall constitute a Coordination Committee at the level of each District. The Coordination Committee should consists of the Divisional Forest Officer concerned, the District Magistrate of the District concerned, the Superintending Engineer of the District concerned of PWD, and the Superintending Engineer of the Irrigation Department in the District concerned to ensure demarcation of boundaries so that action could be taken for removal of encroachments from public land.*
>
> *5. In respect of each Sub Division, the Sub Divisional Magistrate concerned shall also be associated by the Coordination Committee for the purpose of undertaking demarcation and identification of encroachments.*
>
> *6. The Committee shall be headed by the District Magistrate concerned, whose responsibility it shall be to call the meetings, and maintain the record.*
>
> *7. The Coordination Committee should meet at least once a month to carry out its aforesaid mandate."*

6. Learned State Counsel submits that, pursuant to order dated 17.10.2023, State Government has constituted Coordination Committee headed by District Magistrate in each of the 13 district within State of Uttarakhand.

7. Since Coordination Committee, which has to examine the issue of encroachment, is in place, therefore, we think that ends of justice would be met if petitioners are

permitted to give reply to the impugned notice to the Coordination Committee within three weeks. The Coordination Committee shall consider the reply submitted by petitioners and take appropriate decision as per law within three months thereafter. For a period of four months or till decision is taken by the Coordination Committee, whichever is earlier, *status quo* as regards the land in possession of petitioners, regarding which notice was issued to the petitioners, shall be maintained.

8. Subject to the above, writ petitions stand disposed of.

MANOJ KUMAR TIWARI, A.C.J.

SUBHASH UPADHYAY, J.

Dt: 31.10.2026

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