HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 3328 of 2026

03 November, 2026

Arjun Kumar --Petitioner

Versus

The State Of Uttarakhand and Others --Respondents

Presence:-

Mr. Abhishek Verma, learned counsel for petitioner.
Ms. Mamta Bisht, learned D.A.G. for the State of Uttarakhand/respondents.

Hon'ble Pankaj Purohit, J. (Oral)

Petitioner before this Court is Gram Pradhan of Gram Sabha Jhajhra, Development Block Sahaspur, District Dehradun. He filed the present writ petition seeking writ of mandamus commanding respondent No.3-Assistant Collector-First Class/ SDM, Vikasnagar, District Dehradun to take action on the application moved by petitioner dated 06.01.2026, whereby, report of Lekhpal was also called by the office of the Collector. The report of Lekhpal is of dated 10.08.2026.

2. It is contended by learned counsel for petitioner that land of petitioner gram sabha was illegally encroached upon by the three colleges and two hospitals. The names of those institutions have been mentioned in the application dated 06.01.2026 and the Khasra Nos. have also been disclosed therein. Petitioner has also moved the application to District Magistrate, Dehradun and Chief Secretary,

Uttarakhand, along with copy of application dated 06.01.2026, on 24.01.2026 and 20.05.2026 respectively. It is further contended by learned counsel for petitioner that District Magistrate, Dehradun has passed an order to call upon the report from Halka Lekhpal.

3. Learned State Counsel however submits that the said report was called by the District Magistrate, on an application, which was submitted online in CM Portal regarding the encroachment by the aforesaid institutions.

4. Learned counsel for petitioner submits that Halka Lekhpal has submitted its report on 10.08.2026, which is annexed as Annexure No.6 to the writ petition.

5. According to the report, aforesaid institutions were found in illegal possession in the land of the Gram Sabha Jhajhra and they were directed by the Halka Lekhpal to remove the illegal encroachment over the said land, but nothing has happened.

6. Learned counsel for petitioner submits that once the application has been moved to the Assistant Collector-First Class/SDM, to remove the encroachment, the SDM may put the encroachers upon the notice and initiate proceedings against them under Sections 122 (B) of the U.P.Z.A. & L.R. Act, so that land could be vacated and possession of the land be handed over to the petitioner Gram Sabha. He further submits that said application is pending since

06.01.2026.

7. Learned counsel for petitioner made an innocuous prayer before this Court seeking a direction to respondent No.3-Assistant Collector-First Class/SDM, Vikas Nagar, Dehradun, to proceed on the application dated 06.01.2026 strictly in accordance with law, if required, he may call a fresh report from concerned Halka Lekhpal and proceed against the encroachers, if any, under the provisions of Section 122(B) of the U.P.Z.A. & L.R. Act.

8. Accordingly, the writ petition is finally disposed of. Respondent No.3-Assistant Collector-First Class/SDM, Vikas Nagar, Dehradun, is directed to initiate the action against the encroachers, if any, land of petitioner Gram Sabha, acting upon the application dated 06.01.2026 in accordance with law expeditiously.

(**Pankaj Purohit, J**.)
03.11.2026

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