SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
	05.11.2026		**SPA/449/2026** Rahis Khan --Petitioner Versus State Of Uttarakhand --Respondent **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** 1. Mr. S.K. Mandal, learned counsel for appellant. 2. Mr. R.S. Bisht, learned Deputy Advocate General with Mr. M.S. Bisht, learned Brief Holder for State. 3. Mr. Vipul Sharma, learned counsel for respondent no. 3. 4. Mr. Naresh Pant and Mr. Raunak Pant, learned counsels for respondent no. 4. 5. This intra-court appeal is directed against judgment and order dated 27.10.2026 passed by learned Single Judge in WPMS/2514/2026. The operative portion of the impugned judgment is reproduced below :- *"4. Petitioner has challenged the notice dated 06.04.2026 issued by respondent No.3-Nagar Nigam, whereby, petitioner was directed to remove the encroachment over the land in-question, which was also challenged and decided in the earlier writ petition. Since petitioner has been heard by the respondents before passing the impugned order and the three-member Committee is of the opinion that possession of petitioner is in encroachment over the state land, therefore, petitioner has rightly been asked to vacate the premise.* *5. In view of the aforesaid facts and circumstances of the case, this Court is of the view that no interference is warranted.* *6. Accordingly, the present writ petition is dismissed in-limine."* 6. Learned counsel for appellant submits that appellant cannot be termed as encroacher, as he has constructed his house in *abadi* area, and no title document is needed for raising a house over *abadi* area. 7. Learned State Counsel, however, submits that this is second round of litigation, as in the earlier writ petition filed by appellant, a direction was issued to

constitute a three-member Committee. The Committee considered the reply submitted by appellant, and found that appellant does not have any right, title or interest to continue in possession over the land in question.

8. The reply submitted by appellant before the Committee is on record as Annexure No. 5 to the writ petition. A perusal of the reply reveals that it was a joint reply by all persons, who were found to be in encroachment over public land. The Committee, after providing personal hearing to appellant and other persons, found that they all are encroachers.

9. Learned counsel for appellant submits that appellant is not an encroacher, but he is an occupier over *abadi* land since generations.

10. Mere occupation over *abadi* land does not entitle someone to claim right, title or interest over such land. There has to be some document of title, or the occupation has to be under some authority.

11. In the present case, learned counsel for appellant could not show any document whatsoever to substantiate his claim that appellant had any right, title or interest over the land in question. Thus, the view taken by learned Single Judge cannot be faulted.

12. The Writ Petition fails, and is, accordingly, dismissed.

13. However, appellant shall be at liberty to approach the appropriate forum for declaration of his rights, if any, and if appellant files any declaratory suit, the same shall be decided on merits, uninfluenced by any observation made by this Court.

(Subhash Upadhyay, J.)
05.11.2026

(Manoj Kumar Tiwari, A.C.J.)
05.11.2026

Rahul

RAHUL PRAJAPATI