SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPMS/3570/2026 Gaini Devi --Petitioner **Versus** State Of Uttarakhand --Respondent **Hon'ble Siddhartha Sah, J.** Mr. Devang Dobhal, learned counsel for the petitioner. 2. Mr. Sudhir Kumar Nailwal, learned Standing Counsel for the State. 3. By means of the present petitioner, the petitioner has sought to the following reliefs:- *"i. Issue a Writ, Order or direction in the nature of certiorari quashing notice dated 14/9/2018 issued by respondent no.2 (Annexure No. 7, page no.29), ex-parte judgment and order dated 25/10/2022 (Annexure No. 11, page no. 39) passed by the Respondent No.2 and judgment order dated 28/5/2024 (Annexure No. 12, page no.41.) passed by the Ld. District Judge, Tehri Garhwal, and/or pass any order which this Hon'ble Court deem fit and proper in the present circumstances of the case.* *ii. Issue a Writ, Order or direction in the nature of mandamus directing the respondents not to evict petitioner from the land/house in Khatuni Khata no. 4/103, Khasra/ khet no. 11 (M), Area 0.201 ha., Situated at Village shanko, Patti*

Chauras, Tehsil Kirti Nagar, District Tehri Garhwal, Uttarakhand in lease."

4. From a perusal of the record, it appears that the eviction proceedings were initiated against the petitioner under the provisions of the U.P. Public Premises (Eviction of Unauthorised Occupants) Act, 1972, by issuing a notice under Section 4(1) of the said Act. The notice was duly served upon the petitioner, and the petitioner filed a reply and participated in the proceedings. However, she did not participate in the proceedings before the prescribed authority after filing her reply. The learned prescribed authority ordered the eviction of the petitioner from the land in question, holding that she was in unauthorised occupation of public premises. Aggrieved by the order of the prescribed authority, the petitioner filed an appeal under Section 9 of the said Act, which was also dismissed by the learned District Judge, Tehri Garhwal, vide judgment and order dated 28.05.2024. In this petition, the petitioner challenges the orders passed by the prescribed authority as well as by the learned District Judge, Tehri Garhwal.

5. It is also revealed from the record that, in her objections to the notice of eviction, the petitioner, whose late husband was Mantha Das, had taken the plea that she was not an illegal occupant. It was also contended in the said objections that if a person fulfils the conditions contemplated under the G.O.

			dated 12th September, 1975, his possession would be regularised. The learned prescribed authority held that since the petitioner was in unauthorised occupation of the land and had constructed a building thereon, it was appropriate to evict her and recover damages. Accordingly, the learned prescribed authority proceeded to order the eviction of the petitioner from the land in question. 6. The learned District Judge, Tehri Garhwal, acting as the appellate authority, also affirmed the order passed by the prescribed authority. 7. This Court does not find any infirmity in the orders passed by the prescribed authority as well as the appellate authority. 8. At the outset, learned counsel for the petitioner submits that the petitioner's case is duly covered by three orders passed by coordinate Benches of this Court in the matters of similarly situated persons, namely, one passed in WPMS No. 2356 of 2020, dated 24th September, 2022, another in WPMS No. 3145 of 2023, dated 8th December, 2023, and the third in WPMS No. 692 of 2024, dated 14th March, 2024. 9. Learned counsel for the petitioner further submits that the petitioner belongs to a weaker section of society and that there is a government policy providing for regularisation of unauthorised occupation by persons belonging to Scheduled

Castes and Scheduled Tribes. Reference has been made to the G.O. issued by the State of U.P. on 14th September, 1995. He submits that thereafter, certain other G.Os. were also issued, based on the said G.O. dated 14th September, 1995, providing for regularisation of the unauthorised occupation of similarly situated persons.

10. Without expressing any opinion on the petitioner's claim for regularisation, the instant writ petition is disposed of by permitting the petitioner to apply for regularisation of her unauthorised occupation. If such regularisation is permissible under any government policy, she may make such an application within two weeks from today. If such an application is made within the stipulated time, a decision thereon shall be taken within three months thereafter.

11. For a period of four months or until a decision on the petitioner's application is taken, whichever is earlier, the petitioner shall not be dispossessed from the land in question.

12. With the aforesaid observations, the writ petition is disposed of.

(Siddhartha Sah, J.)
21.11.2026

BS