



2026:UHC:2740

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 948 of 2026

17 April, 2026

Saleem Ahmed & others

--Petitioners

Versus

District Magistrate Collector & others

--Respondents

Presence:-

Mr. Parikshit Saini, learned counsel for the petitioners.

Mr. Devendra Pant, learned Standing Counsel for the State/respondent nos.1 & 3.

Mr. Vipul Sharma, learned counsel for respondent no.2.

Mr. Naresh Pant, learned counsel for respondent no.4 (appeared through V.C.).

Hon'ble Pankaj Purohit, J.

The present writ petition has been filed by the petitioners seeking quashing of the impugned notice dated 06.04.2026 (Annexure-5 to the writ petition), whereby the petitioners were directed to remove the encroachment over the land in question within a period of fifteen days. Instead of removing the alleged encroachment, the petitioners have challenged the said notice before this Court and have further sought a direction by way of a writ of mandamus to the respondents to constitute a Committee as provided under the order dated 26.12.2024 passed by this Court in WPIL No. 192 of 2024.

2. It is the case of the petitioners that the property in question was recorded in the revenue records of Fasli Year 1369 as Abadi. The said land now falls within the limits of the Municipal Corporation, Rudrapur, and continues to be recorded as Abadi. The notices have been issued by Nagar Nigam, Rudrapur, stating that the land is Nazool land and,



therefore, must be vacated immediately for the purpose of construction and widening of National Highway No. 74.

3. Learned counsel for the petitioners submits that the Division Bench of this Court, in Writ Petition (PIL) No. 192 of 2024, vide order dated 26.12.2024, directed that a Committee be constituted to examine the documents pertaining to the petitioners' rights and entitlements. He has relied upon paragraph 7 of the said order, which is quoted hereinbelow:

"7. We, therefore, dispose of the writ petition by directing District Magistrate, Udham Singh Nagar to constitute a committee consisting of not less than three senior officers, which shall look into the complaints regarding encroachment, not only in Tehsil Sitarganj, but, in all Tehsils of District Udham Singh Nagar, within four months from date of constitution of such committee. We hope and expect that District Magistrate shall constitute the committee, within ten days from receipt of certified copy of this order. Based on the report of committee, the competent authority shall take necessary steps, for removing encroachment from public land, after giving fifteen days notice to the persons, found to be in encroachment over public land. The encroachment shall be removed, but, only after considering the reply, if any, submitted by concerned persons, found to be in encroachment over public land. This Court hopes and expects that this entire exercise shall be completed, within eight months."

4. Learned counsel appearing for the respondents submits that the land in-question is Government land and that the petitioners are rank encroachers over the said piece of land. Therefore, they have been asked to vacate the land for the smooth execution of the construction/widening of National Highway No. 74.

5. Having heard the rival submissions of learned counsel for the parties, and particularly in view of the order dated 26.12.2024 passed by the Division Bench of this Court, this Court is of the opinion that, before directing the petitioners to remove the encroachment, they have a right to



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be heard in accordance with law before the Committee constituted under paragraph 7 of the order dated 26.12.2024.

6. In view of the above, the writ petition is finally disposed of with a direction to respondent no. 1 to constitute a Committee consisting of not less than three senior officers, which shall look into the complaints regarding encroachment. The petitioners shall submit their documents of ownership and possession before the said Committee within a period of one week. Thereafter, the Committee shall examine the same and take a decision within 15 days, passing appropriate orders in accordance with law. Till such decision is taken by the Committee, petitioners shall not be removed from the land in-squestion.

7. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)
17.04.2026

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