



2026:UHC:4592

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>WPMS/1744/2026</u> <u>With</u> <u>WPMS/1746/2026</u> <u>Hon'ble Manoj Kumar Tiwari, J</u></p> <ol style="list-style-type: none">1. Mr. Deepak Petshali, learned counsel for the petitioners.2. Mr. S.K. Nailwal, learned Standing Counsel for the State of Uttarakhand.3. Mr. Sanjay Bhatt, learned counsel for respondent no. 3.4. Since common questions of facts and law are involved in both the petitions, therefore, these are being heard and decided together. However, for the sake of brevity and convenience, facts of WPMS No. 1744 of 2026, alone are being considered and discussed.5. Petitioner is challenging order dated 20.05.2026 passed by learned District Judge, Rudraprayag in Election Petition No. 08/2025. By the said order, petitioner's application filed under Order 1 Rule 10(2) CPC was rejected by holding that petitioner's name cannot struck off from the array of parties of the election petition.6. It is not in dispute that election of petitioner's wife is under challenge in an election petition, which has been filed on the ground that her family is unauthorisedly occupying Government land.7. Learned counsel for the petitioner relies upon a report submitted by



			<p>Tehsildar for contending that his client was not found in any encroachment over public Land.</p> <p>8. Whether petitioner or any family member of the petitioner has encroached upon public land is a question which has to be determined by Election Tribunal, therefore, petitioner's name could not have been struck off from the array of parties, merely relying on the report submitted by Tehsildar.</p> <p>9. Thus this Court does not find any good ground to interfere with the impugned order.</p> <p>10. Accordingly, the writ petitions fail and are dismissed.</p> <p style="text-align: right;">(Manoj Kumar Tiwari, J) 09.06.2026</p> <p>Aswal</p>
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