

HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI G. NARENDAR

AND

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

WPPIL No. 161 of 2024

With

WPPIL No. 117 of 2023
WPMS No. 2460 of 2023,
WPMS No. 2591 of 2023
WPMB No. 193 of 2024,
WPMB No. 248 of 2024,
WPMB No. 277 of 2024,
WPMB No. 278 of 2024,
WPMB No. 279 of 2024,
WPMB No. 280 of 2024,
WPMB No. 308 of 2024,
WPMB No. 309 of 2024,
WPMB No. 310 of 2024,
WPMB No. 322 of 2024,
WPMB No. 323 of 2024,
WPMB No. 371 of 2024,
WPMB No. 374 of 2024,
WPMB No. 438 of 2024,
WPMB No. 439 of 2024,
WPMB No. 443 of 2024,
WPMB No. 444 of 2024,
WPMB No. 446 of 2024,
WPMB No. 447 of 2024,
WPMB No. 449 of 2024,
WPMB No. 451 of 2024,
WPMB No. 452 of 2024,
WPMB No. 453 of 2024,
WPMB No. 454 of 2024,
WPMB No. 455 of 2024,
WPMB No. 456 of 2024
WPMS No. 2675 of 2024

15 December , 2025

ORDER: (per Sri G. Narendar, C.J.)

Heard Mr. Hishant Ahi, petitioner, party-in-person through V.C. in WPPIL No.161 of 2024; Mr. Dushyant Mainali, learned Amicus Curiae in WPPIL

No.117/2023; Ms. Anaya Jain, learned counsel holding brief of Mr. Sandeep Kothari, learned counsel; Mr. Nikhil Bhatt and Ms. Snigdha Tiwari, learned counsel for the petitioners; Mr. B.S. Parihar, learned Additional C.S.C. with Mr. Yogesh Chandra Tiwari, learned Standing Counsel for the State; Mr. Manoj Kumar, learned Standing Counsel for Union of India. Mr. Shailendra Nauriyal, learned counsel and Mr. Vinod Nautiyal, learned counsel through V.C., are also present for the applicants.

2. This Court in WPPIL No.117 of 2023, by order dated 17.10.2023, had directed in paragraph nos.4, 5 and 6 as under: -

"4. We direct the State to file its affidavit in response to the Preliminary Report submitted by Mr. Mainali. At the same time, we direct the State to implement the suggestions given by Mr. Mainali in his report. The State shall constitute a Coordination Committee at the level of each District. The Coordination Committee should consists of the Divisional Forest Officer concerned, the District Magistrate of the District concerned, the Superintending Engineer of the District concerned of PWD, and the Superintending Engineer of the Irrigation Department in the District concerned to ensure demarcation of boundaries so that action could be taken for removal of encroachments from public land.

5. *In respect of each Sub Division, the Sub*

Divisional Magistrate concerned shall also be associated by the Coordination Committee for the purpose of undertaking demarcation and identification of encroachments.

6. *The Committee shall be headed by the District Magistrate concerned, whose responsibility it shall be to call the meetings, and maintain the record."*

3. It is submitted by the learned Amicus Curiae Mr. Dushant Mainali that the orders have remained merely on paper. This order and the approach of this Court stands further enhanced by the law settled by the Hon'ble Apex Court in the case of **In Re: Directions in the matter of demolition of structures Writ Petition (Civil) No. 295 of 2022**, wherein the Hon'ble Apex Court has gone to the extent of detailing the method and manner in which evictions, removal of encroachments, etc. is to be carried out. Despite the same, we are flooded with petitions alleging that the Authorities are giving three days' time and one week's time, which is *per se* contrary to the law laid down by the Hon'ble Apex Court and to the statute itself. In that view, this Court is seeing unwarranted litigation.

4. This Court also suspects that the concerned Officers are deliberately indulging infraction of the law settled by the Hon'ble Apex Court in a view to enable

the encroachers, illegal occupiers to approach this Court and gain the sympathy of the Court and thereby enable them to secure interim reliefs. Hence, we direct the Chief Secretary to present himself virtually on 19.12.2025. The State is not only remiss in adhering to the directions issued by this Court but is also found flouting the law settled by the Hon'ble Apex Court in the ruling, noted supra.

5. The Chief Secretary also to look into the order dated 30.04.2024 passed in WPPIL No.117 of 2023 where this Court had reiterated the directions to the Chief Secretary to prepare an App for every district.

6. List on 19.12.2025 at 10:30 A.M.

7. Registry to forthwith communicate copy of this order to the Chief Secretary. The Government Counsel shall also transmit the necessary files and brief the Chief Secretary in this regard.

(G. NARENDAR, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 15.12.2025

R/SS