HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 3518 of 2026

17 November, 2026

Amjad Ali --Petitioner

Versus

State Of Uttarakhand & others --Respondents

Presence:-

Mr. Anil Kumar Joshi, Advocate for the Petitioner.

Mr. Sushil Vashisth, learned Standing Counsel for the State-respondents.

With

(2) Writ Petition Misc. Single No.3478 of 2026

Naeem Uddin --Petitioner

Versus

State Of Uttarakhand & others --Respondents

Presence:-

Mr. Nikhil Bhatt, Advocate for the Petitioner.

Mr. Sushil Vashisth, learned Standing Counsel for the State-respondents.

Hon'ble Pankaj Purohit, J. (Oral)

Since common questions of law and fact are involved and the issue to be adjudicated in these two matters is also one and the same, hence these petitions are taken up together and decided by this common judgment. For brevity sake, facts of WPMS No.3518 of 2026 alone are being considered.

2. In the aforesaid petition, the petitioner has sought the following reliefs: -

> *"i. To issue a writ, order or direction in the nature of certiorari to quash the notice dated 29.09.2026 issued by the respondent no. 3 (although issued in name of Rahis Ahmad, the erstwhile tenant of petitioner) whereby, a direction has been issued to*

remove encroachment and in garb of that the respondents are trying to demolish the residential house of petitioner. (Annexure No. 2)

ii. To issue a writ, order or direction in the nature of mandamus directing and commanding the respondents to adopt a fair process of adjudication and to provide the petitioner adequate opportunity of hearing before competent Authority and right to appeal before taking any coercive measure in respect of his residential house situated at Ward No.01, Choti Haldwani, Nagar Palika Parishad, Kaladhungi, District Nainital.

iii. To issue a writ, order or direction in the nature of mandamus directing and commanding the respondent no. 2 to consider the case of the petitioner in terms of directions issued by this Hon'ble Court in WPPIL NO. 117 of 2023 (Suo Moto PIL: In the matter of "Encroachment on Forest Land and River Bank") on 17.10.2023.

3. Facts, in a nutshell, are that petitioner was issued notice dated 29.09.2026 by the Nagar Palika Parishad, Kaladhungi. By the said notice, though issued to the tenant of petitioner namely Rais Bharti S/o Tola Ahmed, he was called upon to remove the encroachments within 15 days voluntarily otherwise the same would be removed by the authorities. By the said notice, tenant of petitioner was called upon to place before the authority his point of view on the prescribed date, time and place for personal hearing. Since the petitioner is the owner of property, so he is before this Court by filing the present writ petition.

4. It is contended by learned Counsel for the petitioner that a Division Bench of this Court, while dealing with the batch of writ petitions, primarily being WPPIL No.161 of 2024, by its order dated 15.12.2025, has reproduced paragraph nos.4 and 5 of the order dated 17.10.2023 passed in WPPIL No.117 of 2023, wherein a direction was issued to the State Government to 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. For the sake of convenience, paragraph nos.4 and 5 of order dated 17.10.2023 passed in WPPIL No.117 of 2023 are quoted below: -

> "*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."

5. Petitioner submits that instead of proceeding further with the removal of encroachments allegedly made by the petitioner, petitioner should be afforded an opportunity to approach the Coordination Committee, and it is only after the matter is looked into by the Coordination Committee, the order could be passed.

6. Learned State Counsel submits that pursuant to order dated 17.10.2023 passed in WPPIL No.117 of 2023, the State Government has constituted Coordination Committee in each of 13 districts of the State of Uttarakhand.

7. Since the Coordination Committee has been constituted by the State Government in each district of the State for the purpose of examination of issue of encroachment, this Court is of the view that ends of justice would be met if the petitioner is permitted to give a detailed reply of the impugned notice to the Coordination Committee within three weeks from today along with the documents of his ownership and possession. If such a reply is filed by petitioner before the Coordination Committee of District Nainital, the said Committee shall consider the reply submitted by petitioner and to take an appropriate decision as per law within three months thereafter. For a period of four months or till decision is taken by Coordination Committee, whichever is earlier, *status quo* as regards the land in possession of petitioners, regarding which

notices were issued to the tenant of petitioner/ petitioners, shall be maintained.

8. Subject to the above, writ petitions stand disposed of.

9. Pending application(s), if any, also stands disposed of.

(**Pankaj Purohit, J**.)
17.11.2026

Rdang

RAJEEV DANG