

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1390 (M/B) 2001
(Old No. 42217 of 1999)

1. Aashish Chandra, S/o Sri Rakesh Chandra 2. Abhishek Chandra, S/o Sri Rakesh Chandra 3. Rajesh Chandra, S/o Shri Chandra Shekhar 4. Vineet Chandra, S/o Shri Chandra Shekhar 5. Sharat Chandra, S/o Shri Chandra Shekhar 6. Smt. Rakhee Chandra, W/o Rakesh Chandra All R/o Ambar Talab, Roorkee, Distt. Haridwar	Petitioner
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Versus

U.P. Avas Evam Vikas Parishad and Others	Respondents
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Mr. A.K.Joshi, Advocate, for the petitioners.
None for the respondents.

Coram: Hon. S.H.Kapadia, C.J.
Hon. M.M. Ghildiyal, J.

Dated: 31.10.2003:

PC:

This writ petition raises disputed facts. It is the case of the petitioners that the respondent no.1- U.P.Avas Evam Vikas Parishad is encroaching upon the land of the petitioners. We cannot decide such dispute in the writ petition. Moreover, there are two conflicting survey reports submitted by respondent no. 6. Petitioners claim to be in possession. The petitioners cannot be ousted without due process of law.

Subject to above, writ petition is rejected.

(M.M. Ghildiyal, J.) (S.H. Kapadia, C.J.)

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