

Hon'ble Sudhanshu Dhulia, J.

Mr. Atul Kumar Bansal, Advocate for the petitioner.

Mr. Yogesh Pandey, Additional C.S.C. for the State.

The petitioner before this Court has received a notice dated 07.07.2017 from the Public Works Department, Kashipur, District- Udham Singh Nagar which says that the petitioner has made encroachment upon the public property and thus, he has been directed to remove the encroachment within a particular stipulated time.

In the notice, there is also a mention of the order passed by a Division Bench of this Court in a Public Interest Litigation.

The contention of the learned counsel for the petitioner is that the petitioner has not encroached upon the public property.

In view of this Court, this matter cannot be looked into by this Court in a writ jurisdiction as it involves appreciation of disputed question of facts.

The writ petition stands disposed with the direction to the petitioner to make a representation before the concerned Authority within a period of one week from today. The concerned Authority shall decide the representation in accordance with law as expeditiously as possible.

It is made clear that before passing any adverse order against the petitioner, the concerned Authority shall give the above hearing to the petitioner.

(Sudhanshu Dhulia, J)

28.02.2018

Saurabh/