

WPMS No. 3205 of 2018

**Hon'ble Manoj K. Tiwari, J.**

Mr. Deep Chandra Joshi, Advocate for the petitioners.

Mr. Tumul K. Nainwal, Brief Holder for the State of Uttarakhand.

Heard learned counsel for the parties through video conferencing.

This Writ Petition has been filed by five petitioners, who claim that they are landless persons.

By means of this Writ Petition, petitioners have sought following reliefs:

“(A) Issue a writ, order or direction in the nature of mandamus directing Respondents to allot the surplus land khata no. 21, situated in Village Bhooda Gouri Tehsil Kichha to the petitioners.

(B) Issue a writ, order or direction in the nature of mandamus directing the respondents to decide the representation of the petitioner within a time bound period.”

A counter affidavit has been filed by Tehsildar, Kichha. In the said counter affidavit, it has been stated that 156.788 hectare land in Khata No. 21 was declared surplus under Uttar Pradesh Imposition of Ceiling on Land Holdings Act, out of which, 120.908 hectare was transferred to SIIDCUL and the remaining land has been proposed for transfer to SIIDCUL.

Rejoinder affidavit has been filed by the petitioners, wherein it has been stated that land is still available, after allotment to SIIDCUL.

If that is so, petitioners shall be at liberty to approach the District Magistrate, Udham Singh Nagar, by making appropriate application, within two weeks from today. If such an application is made within the stipulated period, District Magistrate, Udham Singh Nagar shall consider their request and

take appropriate decision, in accordance with law, within a period of ten weeks from the date of receipt of application alongwith certified copy of this order.

While taking decision, District Magistrate, Udham Singh Nagar shall hear all the stakeholders.

The writ petition is, accordingly, disposed of.

*Arpan*

**(Manoj K. Tiwari, J.)**

28.11.2020