

2. Proceedings under U.P. Public Premises (Eviction of Unauthorised Occupants) Act, 1972 were initiated by issuing a notice under Section 4(1) of the Act to the petitioner. The notice is on record as Annexure No. CA-2 to the counter affidavit filed by

Sub Divisional Magistrate, Tehri Garhwal. In the said notice, it was alleged that petitioner is in unauthorised occupation over public land admeasuring .003 hectare comprised in Khatauni No. 193, Khasra No. 490, in Village Kaandi Baglon, Tehsil Dhanaulti since November, 2004. It was further alleged that petitioner has constructed a shop over the said land and petitioner is having income of ₹ 50,000/- per annum out of his unauthorized occupation over public land.

3. Petitioner responded to the said notice by filing written statement contending that the provisions contained in U.P. Public Premises (Eviction of Unauthorised Occupants) Act, 1972 are not applicable in State of Uttarakhand. He denied the allegation that he is in unauthorized occupation and contended that the shop in question is in existence since long and it cannot be treated as an unauthorised occupation. He also disputed the statement made in the notice that petitioner was having income of ₹ 50,000/- per annum from the land in question.

4. Learned Prescribed Authority ordered for petitioner's eviction from the land in question vide order dated 22.03.2010. Perusal of the order passed by learned Prescribed Authority reveals that petitioner had admitted that he was in occupation of the land in question for last 30-35 years but he could not prove any right over the said land. Learned Prescribed Authority was therefore justified in holding that possession over government land, howsoever long,

cannot confer any right on the person occupying such land.

5. Petitioner filed an appeal under Section 9 of U.P. Public Premises (Eviction of Unauthorised Occupants) Act, 1972, which was registered as Misc. Civil Appeal No. 04 of 2010. Learned Additional District Judge, Tehri Garhwal dismissed petitioner's appeal vide judgment dated 14.02.2012.

6. Feeling aggrieved by the judgment and orders passed by Prescribed Authority as well as the Appellate Authority, petitioner has approached this Court.

7. Heard learned counsel for the parties and perused the record.

8. The order passed by learned Prescribed Authority is a reasoned order, in which all relevant aspects have been considered. From the order passed by Prescribed Authority, it is apparent that petitioner had given up his right to adduce evidence. The officer, based on whose report proceedings were initiated against petitioner, was examined as a witness, who stated that he found petitioner's encroachment over public land.

9. Learned Appellate Authority has also considered and discussed all relevant aspects in detail. The question, regarding applicability of provisions contained in U.P. Public Premises (Eviction of Unauthorised Occupants) Act, 1972 in State of Uttarakhand, was also considered in detail by

Appellate Authority and it was held that the challenge thrown by petitioner to applicability of the aforesaid Act in State of Uttarakhand, is without any substance.

10. Learned counsel appearing for the petitioner submits that Section 4(2) (a) of the aforesaid Act mandates that grounds, on which order of eviction is proposed to be made, must be spelled out in the notice and the notice issued to the petitioner under Section 4(1) of the Act is bad, as it did not specify the grounds for petitioner's eviction.

11. Learned Standing Counsel appearing for the State has drawn attention of this Court to the document enclosed as Annexure No.-1 to the counter affidavit. Perusal of the said document indicates that the grounds for eviction have been clearly spelled out by stating that petitioner has encroached upon public land admeasuring .003 hectare comprised in Khata No. 193, Khasra No. 490, situate in Village Kandi Banglon, Patti Chhejyula, Tehsil Dhanaulti, District Tehri Garhwal. The duration of unauthorized occupation over such land has also been indicated. Thus, in the humble opinion of this Court, the requirement of Section 4(2) (a) of the aforesaid Act is fulfilled.

12. Thus, any interference with the judgment and orders passed by learned Prescribed Authority and the Appellate Authority while exercising powers of superintendence under Article 227 of the Constitution would be uncalled for.

13. Accordingly, the writ petition fails and is dismissed. There will be no order as to costs.

**(MANOJ KUMAR TIWARI, J.)**

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