

**IN THE HIGH COURT OF UTTARAKHAND  
AT NAINITAL**

ON THE 30<sup>TH</sup> DAY OF JULY, 2021

BEFORE:

HON'BLE SHRI JUSTICE MANOJ KUMAR TIWARI

Writ Petition (M/S) No. 1420 OF 2021

**BETWEEN:**

Satyawati ...Petitioner

(By Mr. Nagesh Agarwal, Advocate)

**AND:**

Haridwar Roorkee Development  
Authority & others ...Respondents

(By Mr. Pankaj Miglani, Advocate holding brief of Mr. Lalit  
Miglani, learned counsel for the respondent/HRDA)

**JUDGMENT**

1. Petitioner is aggrieved by the order dated 12.07.2021 passed by Joint Secretary, Haridwar-Roorkee Development Authority (*in short 'HRDA'*). By the said order, petitioner has been asked to remove his encroachment from a street, failing which, it shall be removed at the cost and expense of the petitioner.

2. Mr. Pankaj Miglani, Advocate holding brief of Mr. Lalit Miglani, learned counsel for the respondent/HRDA has produced in Court the reply submitted by the petitioner in response to the impugned order dated 12.07.2021, which is taken on record. Although in the said reply, date of the order is mentioned as 15.07.2021, however, learned counsel for the petitioner submits that the said reply has been given in response to the impugned order.

3. Mr. Nagesh Aggarwal, learned counsel appearing for the petitioner submits that the Competent Authority/Secretary, HRDA has not taken any decision on petitioner's reply, which was submitted personally in his Office on 20.07.2021.

4. From perusal of the reply, it appears that petitioner has claimed title over the subject land, which, according to the respondents, amounts to encroachment.

5. In such view of the matter, before demolition the stairs of the petitioner, it would be just and proper, if the Secretary, HRDA considers petitioner's reply and takes appropriate decision by passing a speaking order within some stipulated time.

6. Accordingly, the writ petition is disposed of with a direction to the Secretary, HRDA to consider petitioner's reply dated 20.07.2021 and pass speaking order, in accordance with law, as early as possible, but not later than eight weeks from the date of production of certified copy of this order. It is further provided that petitioner shall be at liberty to submit supplementary reply, if any, within a week.

7. For a period of eight weeks or till decision is taken, whichever is earlier, *status quo* shall be maintained *qua* the disputed staircase.

8. Let certified copy of this order be supplied to the petitioner by 02.08.2021.

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