

**HIGH COURT OF UTTARAKHAND AT
NAINITAL**

Writ Petition (M/S) No.1562 of 2023

Balvir Singh

....Petitioner

Versus

State of Uttarakhand and Others

....Respondents

Present:-

Mr. V.K. Kaparuwan and Mr. Mukesh Kumar Kaparuwan,
Advocates for the petitioner.

Mr. Yogesh Pandey, Additional C.S.C. with Mr. Suyash
Pant, Standing Counsel for the State.

Mr. Vipul Sharma, Advocate for the respondent no.3.

JUDGMENT

Hon'ble Ravindra Maithani, J. (Oral)

By means of instant petition, the petitioner
seeks the following reliefs:-

“(i) Issue a writ, order or direction in the nature of certiorari to quash the impugned notice dated 10.05.2023 issued by the Additional Chief Officer/Upper Mukhya Adhikari, Zila Panchayat Udham Singh Nager, whereby the petitioner has been directed to vacate the 10 shops and residence building located Khasra No.896/2 belong to Zila Panchayat Udham Singh Nagar within a period of 7 days from receipt of the notice. (As Annexure No.1)

(ii) Issue a writ order or direction in the nature of mandamus directing the respondents to consider the case of the petitioner as prayed vide representation dated 19.05.2023 for grant of lease of the said property within some stipulated time.

(iii) Issue a writ order or direction in the nature of Mandamus directing the respondents not to take any coercive measure against the petitioner in pursuance of the impugned notice dated 10.05.2023 issued by the Additional Chief Officer/Upper Mukhya Adhikari, Zila Panchayat Udham Singh Nagar.

(iv) Issue any other suitable writ, order or direction which this Hon'ble Court may think fit and proper in the light of fact and circumstances of the case otherwise, the petitioner shall suffer irreparable loss and injury."

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

3. Learned counsel for the petitioner would submit that the petitioner has been staying in the property for a long; they had approached for the grant of lease of land, but it has not been granted. Even he has represented the respondents authority to give him six months' time to vacate the land in question.

4. If the respondents authority are removing the encroachment, this Court cannot make any interference

unless there are compelling circumstances to do so. It is not immediate danger, which the writ petition is revealing. If the petitioner has any right over the property, he can very much avail the remedy under civil law. The relief no.2, as sought by the petitioner, itself reveals that he is not the owner of the property. He seeks lease of the property. The petitioner cannot claim lease as a matter of right.

5. The question of grant of some more time for vacating the premises in question may be considered by the respondents authority keeping in view the hardship, if any, of the petitioner. This Court cannot adjudicate or express any opinion on this aspect.

6. Having considered, this Court is of the view that there is no reason to make any interference. The petition deserves to be dismissed at the stage of admission itself

7. The writ petition is dismissed *in limine*.

(Ravindra Maithani, J.)
26.05.2023