



2025:UHC:8758

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><b><u>WPMS/2612/2025</u></b></p> <p><b><u>Hon'ble Manoj Kumar Tiwari, J.</u></b></p> <p>Mr. Mahendra Singh Rawat, Advocate for the petitioners.</p> <p>Mr. Ganesh Kandpal, Deputy Advocate General with Mr. Suyash Pant, Standing Counsel for the State.</p> <p>2. Petitioner runs a sweet shop, in the name and style of 'Shankar Sweets' at Gadapur, District Udham Singh Nagar. He apprehends demolition of his shop by Irrigation Department. Thus feeling aggrieved, he has approached this Court, seeking the following relief:</p> <p>“i) Issue a writ order or direction in the nature of mandamus directing the respondents to not to interfere in the peaceful possession and running of the petitioner's shop (namely “Shankar Sweets”) and to restrain the respondents from taking any coercive action against the petitioner.”</p> <p>3. Learned State Counsel submits that the land over which petitioner has constructed the shop, belongs to Irrigation Department, as it is on the side of irrigation canal. He further submits that petitioner has encroached upon Government land by raising temporary structure from where he is running the shop in question.</p> <p>4. He further submits that proceedings under Public Premises (Eviction of Unauthorised Occupants) Act, 1972 were initiated against the petitioner which resulted in passing of eviction order and petitioner has not challenged the eviction order</p>



		<p>passed by Prescribed Authority on 29.11.2022.</p> <p>5. Learned counsel for the petitioner submits that petitioner was not served with any notice in respect of proceedings under the aforesaid Act and eviction order, if passed, must be <i>ex parte</i>.</p> <p>6. Petitioner do not claim ownership over the land in question. He simply submits that petitioner is in possession over the land in question since 1983; however, there is no documentary evidence in support of said contention and document indicates that petitioner is in possession since 2016 only.</p> <p>7. Be that as it may, since petitioner has prayed for a writ of mandamus without making any formal demand before the concerned authority, therefore, the writ petition is disposed of with liberty to petitioner to make representation before the Executive Engineer, Irrigation Department. If he makes representation within one week from today, the Executive Engineer concerned shall examine the matter and pass necessary order, as per law, within six weeks thereafter.</p> <p>8. For a period of eight weeks or till decision is taken by the Executive Engineer concerned whichever is earlier, status quo, as on today, qua the land in question shall be maintained.</p> <p style="text-align: right;"><b>(Manoj Kumar Tiwari, J.)</b> 26.09.2025</p> <p>Mahinder/</p>
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