2026:UHC:7521-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (M/B) No.684 of 2026

Raj Kumar & Others ----Petitioners

Versus

State of Uttarakhand & Others ----Respondents

August 20, 2026

Presence:-
Mr. Dharmendra Barthwal, learned counsel for the petitioners
Mr. B.S. Parihar, learned Additional C.S.C. with Ms. Puja Banga, learned Standing Counsel for the State
Ms. Maneesh Bisht, Advocate holding brief of Mr. Vipul Sharma, learned counsel for respondent no.4

JUDGMENT : (per Mr. Manoj Kumar Gupta, C. J.)

1. Heard learned counsel for the parties.

2. The petitioners have assailed a notice dated 02.07.2026, issued by Assistant Engineer, Provincial Division, PWD, Rudrapur, Udham Singh Nagar, wherein it is stated that the petitioners have encroached over government land and, consequently, they were required to submit their explanation within 15 days, failing which final decision would be taken by the authorities in the matter.

3. The case of the petitioners is that they are occupying different shops which were built by erstwhile Nagar Palika Parishad, Rudrapur, now Nagar Nigam, Rudrapur, on basis of

allotment in their favor through a public auction. The further case of the petitioners is that they are regularly paying rent to Nagar Nigam, Rudrapur, and the demolition notice issued by PWD is wholly without jurisdiction.

4. Learned State Counsel submits that the impugned notice is merely a show cause notice and final decision is yet to be taken.

5. Mr. Dharmendra Barathwal, learned counsel appearing on behalf of the petitioners states that the petitioners would file their reply to the impugned show cause notice within one week.

6. Accordingly, the petitioners are granted a week's time to file reply to the show cause notice. Thereafter, the Competent Authority shall take decision in the matter within next two weeks. It is further provided that until final decision is taken in the matter, the petitioners shall not be dispossessed in pursuance of the impugned notice.

7. The writ petition stands disposed of.

8. Pending application(s), if any, stand disposed of accordingly.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 20.08.2026

Rajni