

Unknown vs State Of Uttarakhand And Others on 1 April, 2026

Author: Pankaj Purohit

Bench: Pankaj Purohit

2026:UHC:2289

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No.739 of 2026

01st April, 2026

Rajeshwari Yadav Gupta

.....Petitioner

Versus

State of Uttarakhand and others

.....Respondents

With

Writ Petition Misc. Single No.741 of 2026

Writ Petition Misc. Single No.742 of 2026

Writ Petition Misc. Single No.745 of 2026

Writ Petition Misc. Single No.751 of 2026

Presence:-

Ms. Tanupriya Joshi, learned counsel for the petitioner.

Mr. Suyash Pant, learned S.C. for the State/respondent nos.1 and 4.

Mr. Rahul Consul, learned counsel for respondent no.2, through video conferencing.

Mr. Ashish Joshi, learned counsel for respondent no.3, through video conferencing.

Hon'ble Pankaj Purohit, J.

Since common questions of fact and law are involved in these petitions, therefore, these petitions are clubbed together and decided by this common judgment. However, for the sake of brevity and convenience, facts of WPMS No.739 of 2026 alone are being considered and discussed.

2. This writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking a direction in the nature of certiorari quashing the impugned eviction notice dated 21.11.2025 issued by the respondent no.2 and subsequent unsigned, unstamped and undated impugned notice (suchna) affixed on the dwellings of the residencies on 15.02.2026 as being arbitrary.

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3. Facts of the case in brief are that the petitioner in this writ petition has challenged the alleged arbitrary and illegal actions of the Respondents in issuing impugned eviction notice dated

21.11.2025 and further escalating matters by pasting unsigned, unstamped and undated impugned notice (Suchna) on the dwellings of the petitioners on 15.02.2026, directing them to vacate within three days, putting them under threat of demolition and forced rehabilitation. She states these coercive measures have been undertaken without jurisdiction, in teeth of subsisting judicial orders, and in complete disregard of statutory protections. She also alleges that the petitioner and other residents of the basti have been residing in the area prior to 11.03.2016, the statutory cut-off date under the Uttarakhand Special Provisions for Urban Local Bodies and Authorities Act, 2018 and are therefore entitled to protection from eviction or punitive action until 2027.

4. Learned counsel for the petitioner submits that the impugned actions are vitiated by arbitrariness and irrationality, inasmuch as only a few individuals have been randomly selected for relocation while the majority of residents remain uncertain of their fate which is, contrary to the true intent of the statutes, which contemplate a comprehensive and sustainable solution for all slum dwellers. He further submits that no declared or written rehabilitation policy has been placed on record, no socio-economic survey has been conducted, and no consultation has been held with the petitioner/Basti residents regarding family size, suitability, or adequacy of the proposed flats as contemplated under "Uttarakhand Reforms, Regularisation, Rehabilitation, Resettlement and Prevention of Encroachment of the Slums located in Urban Local Bodies of the State Act, 2016 (Uttarakhand Act No.18 of 2016)". She states that grave concerns regarding safety and 2026:UHC:2289 habitability have been ignored, as the flats are stated to be situated within a floodplain zone and are inadequate for large families. The entire process is being carried out in undue haste, demonstrating an attempt to abdicate responsibilities under the Acts by abruptly selecting a few families and removing them, leaving the rest of the Basti in uncertainty.

5. She further submits that the petitioner is the resident of Kathbangla, Basti situated along the banks of the Rispana River in Dehradun. Petitioner and most of the families in the area are engaged in daily wage labour, small informal occupations and other precarious sources of livelihood, and are dependent upon such earnings for their subsistence and that their family members and their dwellings constitute their sole place of residence and livelihood base. Their socio-economic vulnerability makes them particularly dependent on statutory protections enacted for the benefit of slum dwellers. In recognition of the precarious and vulnerable condition of slum communities, in year 2016 the State Legislature enacted the "Uttarakhand Reforms, Regularisation, Rehabilitation, Resettlement and Prevention of Encroachment of the Slums located in Urban Local Bodies of the State Act, 2016"

(hereinafter referred Act, 2016). Section 2 of the said Act define Slum as :-

"2. Definition - 'Slum' shall mean those areas located within the local body which due to overcrowding, unplanned construction, lack of basic infrastructure and lack of tenurial rights are unfit for human habitation for reasons of health and security and for the above any one or a combination of factors have been notified by the State Government."

6. In furtherance of this recognition the Act of 2016 was enacted, as welfare legislation with the twin objectives of protecting slum dwellers from arbitrary eviction and displacement and ensuring their upliftment 2026:UHC:2289 through planned rehabilitation and regularization. Its true object is to secure the right to shelter, dignity, and integration into planned housing for the poorest sections of society, while balancing urban development with social justice. Petitioner pursuant to the enactment of the Act, 2016, the State Government framed detailed Rules, 2016 to operationalize its objectives and ensure that the rights of slum dwellers are not left to administrative discretion. These Rules lay down the mandatory procedure to be followed before any rehabilitation or relocation can be undertaken. In furtherance of the protective intent of the 2016 Act, the State Legislature enacted the "Uttarakhand Special Provisions for Urban Local Bodies and Authorities Act, 2018" (hereinafter referred Act, 2018). This legislation was conceived as a welfare measure to provide statutory protection to slum dwellers and occupants of unauthorized constructions existing prior to 11.03.2016, ensuring that they are not subjected to arbitrary eviction or demolition until comprehensive rehabilitation schemes are framed. That under the scheme of the 2018 Act, punitive or coercive action against such dwellings was expressly prohibited, and by virtue of the Uttarakhand Special Provisions for Urban Local Bodies and Authorities (Amendment) Act, 2025, this protection was extended for a total period of nine years, thereby continuing the statutory moratorium until 2027.

7. Section 4 of the Act of 2018 states:

"4. Enforcement to be kept in Abeyance (1) The State Government may, within a period of 9 years from the enforcement of this Act, make all possible efforts to deal with the problems like unauthorized construction and encroachment done in the form of slums and jhuggi- jhopris, so that the development of Urban Bodies of Uttarakhand State takes place in a sustainable and planned manner. (2) Status quo may be maintained according to the situations as on dated 11.03.2016 in the matter described in sub-section (1) 2026:UHC:2289 in addition to the matters related to any Judgment, decree and orders of the courts under the provisions given in sub- section (1).

(3) Any punitive action in consequence of all notices issued by any local body/authority in the related matters of unauthorized construction referred to in sub-section(1), shall be suspended for further nine years from the commencement of this Act and no Punitive action shall be taken during this period."

8. The learned counsel for the petitioner vehemently argued that despite the enactment of successive welfare legislations in 2016 and 2018, and the repeated extensions culminating in the 2025 Amendment which continued the statutory moratorium until 2027, the Respondents have failed to discharge their statutory obligations; no rehabilitation scheme was framed, and no steps were initiated to regularize or secure the dwellings of slum residents during the protected years, thereby defeating the very object of the enactments, and instead of utilizing the safeguarded period for welfare measures, the authorities have chosen to bypass their own laws and proceed coercively against the families of the Basti and further issued impugned notice to the petitioner along with

nearly 124 families of the Bastis, declaring their dwellings unauthorized and directing them to vacate within fifteen days, and shift to flats stated to have been constructed under the Authority's own Rehabilitation schemes, failing which the constructions would be demolished by the Authority. The notices carried categorical instructions to submit compliance but afforded no opportunity of hearing or representation.

9. Being aggrieved by the sudden and abrupt notices dated 21.11.2025, threatening demolition of their dwellings without affording any opportunity of hearing the petitioner submitted a written representation dated 27.11.2025 objecting to the said action. However, despite the replies submitted by the petitioner and other residents 2026:UHC:2289 in response to the notices dated 21.11.2025, no order, communication or clarification was ever issued by the Respondent No. 2 disposing of the objections or addressing the concerns raised therein.

10. Learned counsel for respondent's have expressly relied upon the order dated 10.02.2025 passed by the Hon'ble Supreme Court in "Civil Appeal No. 1440 of 2025, State of Uttarakhand & Ors. vs. Niranjana Bagchi & Ors"

and order dated 17.03.2025 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi, in "Original Application No. 417 of 2022, Niranjana Bagchi vs. State of Uttarakhand & Ors"., stating that the entire proposed action of eviction and demolition is being undertaken "in compliance" with the said judicial directions and it is wrong to say that any punitive action is being taken by the state as the encroachers are being allocated flats built by government for their rehabilitation.

11. After hearing the rival contentions of the parties and after perusal of material available on record, particularly going through the objects and reasons of Uttarakhand Special Provisions for Urban Bodies and Authorities Act, 2018, and Section 2(d) of the said Act this Court is of the considered opinion that the above said Act was enacted for the purpose of rehabilitation of slums situated in all urban bodies of Uttarakhand and the respondent-Authorities by the impugned notice is trying to achieve its object by rehabilitating the petitioners who are living in dry river bed and are in danger if any flash flood or natural calamity occurs. The contention of the learned counsel for the petitioner that a punitive action is being taken against the petitioners also does not hold any water as the petitioners have been allotted suitable flats by the Government for their rehabilitation.

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12. Accordingly this Court is of the opinion that the acts of the respondent cannot be said to be illegal, therefore, the writ petition being devoid of merits is hereby dismissed.

13. Accordingly all connected writ petitions are also stand dismissed.

(Pankaj Purohit, J.) 01.04.2026 SK