

Court No. - 39

Case :- WRIT - C No. - 20596 of 2023

Petitioner :- Gurpreet Singh

Respondent :- Union Of India And 6 Others

Counsel for Petitioner :- Santosh Kumar Shukla, Kulveer Singh

Counsel for Respondent :- A.S.G.I., C.S.C., Hemant Pratap Singh, Purnendu Kumar Singh

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Manjive Shukla, J.

1. Heard learned counsel for petitioner, Sri S.C. Upadhyay, learned Standing Counsel for the State of U.P., Sri S.P. Singh, learned A.S.G.I. assisted by Sri Purnendu Kumar Singh, learned counsel appearing for Union of India and Sri Krishna Singh, Deputy Advocate General, for the State of Uttarakhand.

2. Present petition has been filed for the following reliefs:-

"(i) Issue a writ, order or direction in the nature of mandamus directing the Survey of India Geographical Department head office Dehradun to constitute Expert Committee alongwith Revenue Officers of District Bijnor, State of Uttar Pradesh and Revenue Officer of District Haridwar, State of Uttarakhand to demarcate boundary dispute of village Chandpur Bagar, Mauza Chakheri, Banuwala, Tehsil Luxor, District Haridwar and village Himmatpur Bela, Tehsil and District Bijnor.

"(ii) Issue a writ, order or direction in the nature of mandamus directing the District Magistrate Haridwar and Sub Divisional Officer, Luxor, District Haridwar, Uttarakhand not to make any demarcation of the Gram Sabha land Chandpur Bagar Mauza Khakheri, Banuwala, Tehsil Luxor, District Haridwar without constitute Joint Revenue Team of Revenue Officer of District Bijnor, State of Uttar Pradesh and Revenue Officer of District Haridwar, State of Uttarakhand."

3. Upon hearing learned counsel for the parties, the dispute voiced in the present petition is that some part of the land owned by him and in his possession falls exclusively within the State boundary of the State of U.P. He neither owns any land in the State of Uttarakhand nor he is in possession over any land in the State of Uttarakhand. Yet, owing to certain doubts and differences as to the State boundaries between the two States i.e. State of U.P. and State of Uttarakhand, the petitioner claims illegal interference made by the State of Uttarakhand over his possession and cultivation on

Khasra No. 42 (m), measuring as area 1.0630 hect. and Khasra No. 16 (m) measuring as area .2020 situated at village Himmatpur Bela, Tehsil and District Bijnor.

4. In view of such facts, we find that no useful purpose would be served in involving the agencies of Union of India as the learned Standing Counsel for the State of U.P. and learned Deputy Advocate General, for the State of Uttarakhand are in agreement that the issue may be resolved by the revenue authorities of the two States.

5. Accordingly, the writ petition is **disposed of** with the direction that the District Magistrate, Haridwar and the District Magistrate, Bijnor may designate appropriate Sub Divisional Magistrate and the revenue team comprising of officers working under them who may visit the village Himmatpur Bela, Tehsil and District Bijnor and determine and demarcate the points through which the undisputed boundary between the two States exists. Such exercise may be carried out in the presence of the petitioner on 23.1.2024 at 12.00 noon. The petitioner will ensure his presence on the date and time fixed by this court.

6. It is further provided upon completion of the exercise of demarcation of the State boundaries, appropriate demarcation pillars may be affixed if required, to demarcate any portion of land in dispute falling in the State of Uttarakhand.

7. If in that process of demarcation it is found that the petitioner is in illegal possession over any portion of land in the State of U.P., he undertakes to vacate the same forthwith.

Order Date :- 10.1.2024

n.u.

(Manjive Shukla, J) (S.D. Singh, J)