

## VERDICTUM.IN

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	26.07.2023		<p>WPIL No. 117 of 2023</p> <p><b><u>Sri Vipin Sanghi, C.J.</u></b></p> <p><b><u>Sri Rakesh Thapliyal, J.</u></b></p> <ol style="list-style-type: none"><li>1. Mr. Vikas Pande, learned Standing Counsel for the State- respondents.</li><li>2. Issue notice. Learned counsel appears and accepts notice on behalf of the respondents.</li><li>3. This petition has been registered <i>suo motu</i> by this Court on the basis of the letter received from one Mr. Prabhat Gandhi, dated 19.07.2023, pointing out the encroachment which is taking place by the people on the road between Khutani Mod and Padampuri. The photographs have also been placed on record, which show that along the Highways, on forest land, several persons have setup their business enterprises, and even a temple is proposed to be setup which is presently bounded by barbed wires.</li><li>4. We can take cognizance of the fact that this situation is rampant in the State, not only on the road in question, but on the other roads as well. The people are tempted to encroach on government land/ forest land falling along the Highways, and the State Roads on account of easy accessibility and due to lack of supervision and vigil by the State Authorities, particularly, the Revenue and the Forest Authorities in the State.</li><li>5. We would not like to jump to any conclusion, but the possibility of the officers on the ground belonging to the aforesaid departments, being in hand in gloves</li></ol>

with such encroachers, cannot be ruled out.

6. We direct the District Magistrate, Nainital, and the Divisional Forest Officer, Nainital to file specific report in relation to the encroachments pointed out by the petitioner, and to take remedial steps without waiting for any further orders from this Court, in case it is found that such encroachments have actually taken place

7. The status report should indicate the action taken by the authorities for removal of the encroachment, if any.

8. We enlarge the scope of this petition in the light of the aforesaid.

9. We issue notice to all the District Magistrates in the State, as well as to all the Division Forest Officers in the State to similarly carry out inspection of the State Highways, and State Roads; to report with regard to the existing encroachments, and; to take remedial steps to remove the same without any further delay.

10. We direct the Secretaries of the HCLSC and the DLSAs to take the assistance of the Para Legal Volunteers for reporting encroachments, as aforesaid, and they shall file reports before this Court in respect of their respective Districts, giving the status of encroachments found, with photographs and particulars of locations, before the next date.

11. The reports of all the District Magistrates, and the Divisional Forest Officers be filed within four weeks alongwith the action taken report. They shall also file photographs along with their respective affidavits/ status report before the next date.

12. List on 05.09.2023.

**(Rakesh Thapliyal, J.)**  
**26.07.2023**

**(Vipin Sanghi, C.J.)**  
**26.07.2023**

NISHANT