

Uttaranchal High Court  
Uttaranchal High Court  
Smt. Beena Bahuguna vs State & Others on 4 July, 2013  
IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (PIL) No. 233 of 2008

Smt. Beena Bahuguna ..... Petitioner

Versus

State of Uttarakhand and others ..... Respondents

Present: Mr. Syed Nadim, Advocate for the petitioner. Mr. N.S. Pundir, Brief holder for the State of Uttarakhand/ respondent Nos. 1 and 2.

Mr. Vipul Sharma, Advocate for respondent No.3.

Hon'ble Barin Ghosh, C.J.

Hon'ble Servesh Kumar Gupta, J.

In the revenue records of the State, it has been shown that the land in question is a river and the same is full of water. Surprisingly, on such a river, allotments have been made in favour of several allottees, including the respondent No.3 herein, by the State Government with permission to those allottees to make constructions, on the purported premise that the river has dried up. Because of such illegal, unconscionable and utterly disgusting action on the part of the State Government, the State is facing today's catastrophe. The instant case is a glaring example of the same. The State Government can not even, by law, assume upon itself the power to convert the land of a river into dwelling place of people. It must be kept in mind that no river belongs to a particular State. The same belongs to the whole country.

2. We, accordingly, direct that all allotments, given on the river to all allottees, must be cancelled within seven days from today. The allottees shall be given sixty days' time to remove the constructions that they have made and to restore the river to its original. In default, the State Government shall remove all those constructions and restore the river to its original condition. 2

3. The matter is adjourned for sixteen weeks when the State Government shall file an affidavit stating that it has complied with the order as above.

(Servesh Kumar Gupta, J.) (Barin Ghosh, C.J.) 04.07.2013 04.07.2013

P. Singh