**It Seems Like Anyone Can Encroach On Any Part Of Land," according to Uttarakhand HC's order for the immediate removal of encroachments over Dehradun's riverbeds.**

In the case of ***Urmila Thapa v. State of Uttarakhand & Ors***, the ongoing encroachment on riverbeds in Dehradun and the covert participation and backing of the relevant authorities have outraged the Uttarakhand High Court. When ordering the immediate removal of encroachments, a division bench consisting of ***Chief Justice Vipin Sanghi and Justice Ramesh Chandra Khulbe*** made the following observations: "We are appalled by the current situation in the State with regard to the encroachment on public lands, waterways, and forests. It appears that anyone can infringe on any area of land that is owned by the State, including forest lands, and get away with it."

**Facts:** The petitioner preferred the instant writ petition in public interest stressing the issue of unauthorised encroachments on water bodies and khalas/storm water drains in Rajpur Area of Doon Valley. The petitioner sought directions to the State to declare the catchment areas of Khalas of Rispana and Bindal Rivers as 'no construction zones', and a further direction to the Ministry of Environment, Forest and Climate change, Union of India to pro-actively monitor and take necessary action on the changing environmental landscape of Doon Valley which was declared as a 'Eco Sensitive Zone' by the Government of India in the year 1989. Mr. Abhijay Negi, counsel for the petitioner attracted the attention of the Court to the order dated 30.08.2019, by which the Court directed the District Magistrate, Dehradun to have an enquiry caused, and to submit a report to the Court furnishing details of the seasonal Nalas in existence in Doon Valley; the extent of encroachment over the said Nalas; and the steps being taken by the District Administration to remove such unauthorised constructions, and encroachments. The Court then had directed the respondents to ensure that no further encroachments take place in the seasonal streams in the Rajpur Area of the Doon Valley. On September 13, 2019, the District Magistrate of Dehradun submitted a counter-affidavit. Alongwith this affidavit, he had placed on record the enquiry/survey conducted in terms of the order passed by the Court. In reference to Dehradun Tehsil, the Survey found that an area of 37.9305 hectares were encroached on the river bed falling in different villages. Similarly, for Vikasnagar Tehsil, as per the report, 57.4 hectares of river bed land were encroached upon. In Rishikesh Tehsil, the encroachment was to the tune of 4.8866 hectares, and for Doiwala Tehsil, the encroachment was up to 5.616 hectares. In response to the District Magistrate's counter-affidavit, the petitioner filed a rejoinder-affidavit. In addition, she took pictures of the continuing work being done on the riverbed and added them to the database.

**Judgement:** The District Magistrate of Dehradun sent a communication on September 11, 2019, asking the Municipal Commissioner of the Municipality and all Sub-Divisional Magistrates to take action to remove encroachments from the river beds that have been neglected for the past three years. The Court said, "We're told that all riverbed lands—aside from those that are inside city boundaries—are categorised as forests. It goes without saying that these actions require the consent of the local authorities. It is past time for the administration to face reality and organise its affairs." As a result, the Court ordered the authorities to get to work right away clearing out the encroachments on river beds that had already been noted and presented to the Court in the counter affidavit dated 19.03.2019. The Court made it clear that it would be up to the Secretaries of Revenue, Urban Development, and Forestry to make sure this decision was strictly followed as soon as possible. The Municipal Commissioner, Nagar Nigam, Dehradun, has been given personal responsibility for ensuring that such encroachments are removed from the river beds in areas that fall under municipal jurisdiction. The Municipal Commissioner, Nagar Nigam, Dehradun, together with the Secretaries for Revenue, Urban Development, Forestry, and Local Government, were instructed to hold frequent meetings to take action on this directive. The Court additionally warned that failure to routinely comply with these would necessitate taking action to carry out this order. The Court also warned that failure to abide by these instructions will force it to take legal action against the previously named identifiable Officers. Finally, the Court explained, "We make it clear that we won't settle for a simple paper exercise and that the reports should speak to genuine steps taken to remove encroachments on the ground. Each of these reports should be filed along with the action's photographic documentation."

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JUDGEMENT REVIEWED BY SNIGDHA DUBEY.