



2025:UHC:11411

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 1319 of 2018

19 December, 2025

Satya Gyan Niketan Through Kashinagari Pradhikarini
Sabha & another

--Petitioners

Versus

Swami Shivshankar Giri Shishya Swami Sidhanand &
another

--Respondents

Presence:-

Mr. Vikramaditya Budhist, learned counsel holding brief of Mr.
Nagesh Aggarwal, learned counsel for the petitioners.

Mr. Arvind Kumar Sharma, learned counsel for the respondents.

Hon'ble Pankaj Purohit, J. (Oral)

The present writ petition has been filed by the petitioners under Article 227 of the Constitution of India, challenging the judgment and order dated 10.08.2017, whereby the District Judge, Haridwar allowed Miscellaneous Case No. 18 of 2017, arising out of the application dated 08.03.2017, as well as the judgment and order dated 16.03.2018, whereby the recall application, i.e., Paper No. 69-G in Miscellaneous Case No. 18 of 2017, was rejected by the District Judge, Haridwar.

2. It is the case of the petitioners that one Sri Swami Satya Dev purchased the land in the year 1936 and thereafter constructed a building upon it. Since Swami Satya Dev was totally devoted to the Hindi language and its propagation, he gifted the said property



to the Kashi Nagari Pracharni Sabha, the petitioners herein, with specific conditions that the property shall not be sold or mortgaged to any third party. Since then, Kashi Nagari Pracharni Sabha has been managing and maintaining the said property, which is now known as “*Satya Gyan Niketan*.” Subsequently, due to a steep rise in land prices, several land mafias cast their eyes upon the said property and attempted to take illegal possession thereof. In order to harass the petitioners, an application under Section 92 of the Code of Civil Procedure was instituted by one Mukund Ram and Krit Ram, which was registered as Miscellaneous Application No. 23 of 2004. In the year 2006, another group of persons filed a similar application under Section 92 CPC, registered as Civil Miscellaneous Application No. 7 of 2006. The petitioners filed objections to both the said applications.

3. The learned District Judge allowed both the applications vide order dated 12.11.2008. Feeling aggrieved, the petitioners filed Civil Revision Nos. 69 of 2008 and 70 of 2008 before this Hon’ble Court. Both revisions were allowed by the Co-ordinate Bench of this Court vide judgment and order dated 01.08.2011. Against the said judgment and order, respondent nos. 1 and 2 filed a Special Leave Petition before the Hon’ble Supreme Court, which was registered as Civil Appeal No. 3166 of 2017. The Hon’ble Supreme Court disposed of the said appeal vide judgment and order dated 23.02.2017, granting liberty to the respondents to move an appropriate application in accordance with law. Pursuant to the judgment and order dated 23.02.2017, the respondents filed an application dated 08.03.2017 before the District Judge, Haridwar. The learned District Judge allowed the said application and restored Original



Suit No. 10 of 2008 vide order dated 10.08.2017. Thereafter, the petitioners filed an application on 11.12.2017 seeking recall of the order dated 10.08.2017; however, the learned District Judge dismissed the said application vide order dated 16.03.2018. Aggrieved by both the aforesaid orders, the petitioners have approached this Court.

4. Learned counsel for the petitioners submits that the learned District Judge, while passing both the impugned orders, committed a manifest error of law. It is further submitted that the trial court failed to apply its judicial mind and did not comply with the directions issued by the Hon'ble Supreme Court in its judgment and order dated 23.02.2017. Specifically, it is contended that while granting permission under Section 92 CPC, the court was required to apply its mind to the entire material and evidence on record. However, in the present case, the impugned orders were passed in a mechanical and arbitrary manner.

5. Respondent nos. 1 and 2 have filed their counter affidavit. In the counter affidavit, it has been stated that the order dated 10.08.2017 was passed after due application of judicial mind, whereby the application dated 08.03.2017 was allowed and Original Suit No. 10 of 2008 was restored. It is further stated that the petitioners' application dated 11.12.2017 was misconceived and filed only with the intention of delaying the proceedings. The order dated 16.03.2018 is stated to be legal and proper. It is further averred that the aforesaid orders were passed strictly in accordance with the directions laid down by the Hon'ble Supreme Court in Civil Appeal No. 3166 of 2017. Hence, it is prayed that



the writ petition be dismissed with costs.

6. Heard learned counsel for the parties and carefully perused the material available on record.

7. This Court, while exercising supervisory jurisdiction under Article 227 of the Constitution of India, is not expected to act as a court of appeal or to reappreciate the evidence on record. Interference is warranted only when there is patent perversity, gross illegality, or failure of justice. From a perusal of the record, it is evident that the Hon'ble Supreme Court, while disposing of Civil Appeal No. 3166 of 2017 vide judgment and order dated 23.02.2017, granted liberty to the respondents to move an appropriate application in accordance with law. Pursuant thereto, the respondents filed an application dated 08.03.2017 before the District Judge, Haridwar, which was duly considered and allowed vide order dated 10.08.2017, restoring Original Suit No. 10 of 2008.

8. This Court finds that the learned District Judge has considered the relevant facts, the liberty granted by the Hon'ble Supreme Court, and the material available on record before passing the order dated 10.08.2017. The contention of the petitioners that the order was passed mechanically or without application of judicial mind is not borne out from the record.

9. So far as the order dated 16.03.2018 rejecting the recall application is concerned, the learned District Judge has rightly held that no ground was made out for recalling the order dated 10.08.2017. The recall application appears to be an attempt to reopen issues



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which had already been considered and decided in accordance with law.

10. Thus, this Court is of the considered opinion that the impugned orders do not suffer from any jurisdictional error, illegality, or perversity warranting interference under Article 227 of the Constitution of India. The learned District Judge has acted strictly in conformity with the directions issued by the Hon'ble Supreme Court and within the bounds of law.

11. In view of the aforesaid discussion, this Court finds no merit in the writ petition. The writ petition is, accordingly, dismissed.

12. Interim order dated 15.05.2018 stands vacated.

(Pankaj Purohit, J.)

19.12.2025

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