



2025:UHC:10872-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI G. NARENDAR
AND

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

08TH DECEMBER, 2025

WRIT PETITION (M/ B) No. 956 OF 2025

Yogendra Saini.

..Petitioner

Versus

State of Uttarakhand and others.

..Respondents

Counsel for the petitioner. : Mr. M.S. Bhandari, learned counsel.
Counsel for respondent nos. 1 : Mr. SMS Mehta, learned Brief Holder for the
& 2. State of Uttarakhand.
Counsel for respondent no. 3. : Mr. Lalit Miglani, learned counsel.

JUDGMENT :(per Sri G. Narendar, C.J.)

Pursuant to the directions in the above Writ Petition,
a Compliance Affidavit is filed by the Nagar Ayukt – Shri Rakesh
Chandra Tiwari, S/o Late B.R. Tiwari, wherein in paragraph
no.3, it is stated as under :

“3. That it is humbly submitted that in compliance of order dated 04.09.2018 passed by the Hon'ble High Court in the PIL no. 03 of 2018 titled Yogender Saini Vs. State of Uttarakhand, the following actions have been taken by the department:

A. FIR was lodged by the Nagar Nigam in the year 2019 which was registered as FIR No. 0391 of 2019 under Section 409 IPC and 13(1)(c), 13(1)(d), 13(2) of Prevention of Corruption Act, 1988 At police station Kotwali Roorkee. Status of FIR is investigation is pending.

B. That it is humbly submitted that a total of 17 persons is in unauthorized possession of the said land. Civil suits have already been filed against 14 of them before the competent Civil Court. Suits against the remaining 3 persons are under preparation and shall be filed within one week. The details of the aforesaid 14 cases are as follows:

- 1. Suit No. 161 of 2025 titled as Nagar Nigam Vs. Kamlesh*
- 2. Suit no. 162 of 2025 titled as Nagar Nigam Vs. Murslin*
- 3. Suit No. 163 of 2025 titled as Nagar Nigam Vs. Sumit Kumar Tonk*



4. *Suit No. 164 of 2025 titled as Ngar Nigam Vs. Sashi Bala Kohli.*
5. *Suit No. 165 of 2025 titled as Nagar Nigam Vs. Abdul Ajij*
6. *Suit No. 166 of 2025 titled as Nagar Nigam Vs. Rajender Kumar Varma*
7. *Suit No. 169 of 2025 titled as Nagar Nigam Vs. Ramesh chander karma*
8. *Suit No. 170 of 2025 titled as Nagar Nigam Vs. Ajay Kumar Garg*
9. *Suit No. 171 of 2025 titled as Nagar Nigam Vs. Sumit Kumar Tonk*
10. *Suit No. 172 of 2025 titled as Nagar Nigam Vs. Sanjeev Bhart And Jugender Singh*
11. *Suit No. 173 of 2025 titled as Nagar Nigam Vs. Gurvinder Core*
12. *Suit No. 174 of 2025 titled as Nagar Nigam Vs. Sanjay Arora*
13. *Suit No. 175 of 2025 titled as Nagar Nigam Vs. Rekha jain*
14. *Suit No. 176 of 2025 titled as Nagar Nigam Vs. Dipika*

It is humbly submitted that in the aforesaid suit the notices were issued to the respondents and matter pending before the Civil Judge / Junior Division Roorkee. Thus, the order of the Hon'ble High Court has been duly complied with.

2. In that view, we are of the opinion that the relief sought for in Prayer No. 2 stands answered. Insofar as Prayer No. 1 is concerned, the same would stand answered by judgment and decree, which the jurisdictional Civil Court is likely to pass.

3. In that view, the Writ Petition is disposed of by placing the compliance affidavit on record. As the allegation is that it is a public property, we direct the Court of the Civil Judge (Junior Division), Roorkee to expeditiously consider and dispose of the Suits, at any rate within an outer limit of 24 months from today.



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4. The Department shall ensure filing of the remaining three Suits, as undertaken before this Court.

5. The Writ Petitions stand ordered accordingly.

As a sequel thereto, the miscellaneous petitions, if any pending, shall stand closed.

G. NARENDAR, C.J.

SUBHASH UPADHYAY, J.

Dt: 08th December, 2025

Rahul

RAHUL
PRAJAPATI