



2025:UHC:11550

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/ 3455/ 2025</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Vinod Fulara, Advocate for the petitioner through V.C. Mr. Suyash Pant, Standing Counsel for the State. 2. A piece of nazul land was leased out in favour of petitioner's father-in-law, late Laxmi Dutt Pande in the year 1959 for a period of 30 years. According to her, she applied for renewal and also for transfer of the lease in her favour. Her request was turned down by District Magistrate, vide order dated 18.11.2025. Thus feeling aggrieved, petitioner has approached this Court. 3. Perusal of impugned order passed by District Magistrate reveals that lease granted in favour of petitioner's father-in-law was never renewed, and the lease earlier granted, expired on 31.03.1989. It further reveals that the land in question is needed for widening of Haldwani-Ramnagar State highway. 4. The impugned order further reveals that the land in question is recorded as category 6(2) in revenue record which indicates that the land is required for some public purpose. 5. Learned counsel for the petitioner,



		however, submits that lease of the land in question was transferred in favour of petitioner's husband vide order dated 24.10.1989, passed by District Magistrate, Nainital. 6. He further submits that petitioner is in peaceful possession over the said land without any let or hindrance and a shop constructed by her husband is also standing thereupon, from which petitioner is running her business. He submits that petitioner is entitled to have the lease renewed, as it was granted to her father-in-law in 1959. 7. The reasons assigned in the impugned order for not renewing the lease in favour of petitioner, cannot be faulted. 8. State, as owner of the property, can decide when to grant a lease and to whom. If a particular piece of nuzul land is needed for any public purposes, then State Government can very well refuse to grant lease or to renew a lease already granted. 9. State is custodian of public property and nazul land is maintained by State for larger public good. Therefore State should be very wary and vigilant while granting lease of nazul land to private individuals. While renewing lease of nazul land in favour of individuals, it has to bear in mind that such land may be
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			needed for some important public purpose which may emerge in future. 10. However, having regard to the facts of the case and also in view of the fact that there is a free hold policy in place, the writ petition is disposed of with liberty to petitioner to apply for free hold, if the policy so permits. 11. If petitioner makes application for free hold within fifteen days from today, decision thereupon shall be taken by the competent authority within four weeks thereafter. 12. For a period of six weeks, or till decision is taken on the application, no coercive action shall be taken against petitioner. (Manoj Kumar Tiwari, J.) 23.12.2025 Mahinder/
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