



2025:UHC:11453

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition Misc. Single No. 3524 of 2023**

**22 December, 2025**

Moh. Yameen

--Petitioner

**Versus**

State Of Uttarakhand, Through Commissioner & others

--Respondents

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Presence:-

Ms. Krishi Shukla, learned counsel for the petitioner (appeared through V.C.).

Mr. K.S. Mehta, learned Additional C.S.C. along with Mr. R.C. Joshi, learned Brief Holder for the State.

Mr. Ketan Aswal, learned counsel holding brief of Mr. D.S. Mehta, learned counsel for respondent no.3.

Mr. Tribhuwan Chandra Pandey, learned counsel for respondent no.4.  
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**Hon'ble Pankaj Purohit, J. (Oral)**

By means of present writ petition, petitioner has sought the following reliefs:-

*“(i) Issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 08.11.2023 passed by respondent no.1 (annexure-1) to the writ petition and the respondent nos.1 & 2 may kindly be directed to hear the version of the petitioner is the case concern.*

*“(ii) To issue a writ order or direction in the nature of mandamus to stay the effect and operation of the order dated 08.11.2023 passed by respondent no.1 (annexure-1 to the writ petition) till the pendency of the aforesaid writ petition.”*

2. It is the case of the petitioner that the property in question is self-acquired by him. A Revenue Case No.06/2020-21, under Section 54 of the U.P. Land



Revenue Act, 1901 is pending with regard to this property, and he was not arrayed as a party in the said case. Therefore, the petitioner moved an application before the trial court with a prayer that he be impleaded as a party in the suit and be heard. However, the learned trial court did not pay due attention to the said application and the same was rejected vide order dated 27.05.2023. Being aggrieved, the petitioner preferred a revision before the learned Commissioner, Kumaon Mandal, Nainital, being Revision No. 91/22-23, *Mohd. Yameen vs. Mohd. Nafees & another*. The learned revisional court dismissed the said revision vide its order dated 08.11.2023. Hence, the petitioner is before this Court.

3. It is the contention of learned counsel for the petitioner that the property in question was purchased by the petitioner and that the learned trial court overlooked the petitioner's application seeking an opportunity of hearing. She further contends that the learned Commissioner did not afford the petitioner an opportunity to present his version before the forum.

4. Respondent Nos. 1 and 2 have filed their counter affidavit. In the counter affidavit, it has been stated that the petitioner did not furnish any document along with his application to establish that he purchased the disputed property from his own resources or that he is in possession of the property. It is further stated that there is no evidence to show that the petitioner has any interest in the property.

5. Respondent No. 4 has filed her counter affidavit, wherein she has stated that she is in possession of the property in question and is paying the electricity



bills of the said property, which clearly establishes that Respondent No. 4 alone has title and possession over the property in question. It is further stated that neither Respondent No. 3 nor the petitioner is in possession of the property. She has also stated that the petitioner is her father-in-law and that when Respondent No. 3 was losing the case, he, in connivance with the petitioner (his father), attempted to delay the matter and harass Respondent No.4 by filing an application for impleadment on false and frivolous grounds without any supporting evidence. She further submits that the learned Collector and the learned Commissioner rightly rejected the petitioner's application.

6. Upon hearing learned counsel for the parties and perusing the record, this Court finds that the petitioner has failed to establish any legal right, title, or interest in the property in question. Admittedly, no documentary evidence was placed before the trial court or the revisional court to substantiate the petitioner's claim that the property is self-acquired or that he is in possession thereof.

7. The application for impleadment was rightly rejected by the learned trial court vide order dated 27.05.2023, as the petitioner did not demonstrate that his presence was necessary or proper for the effective adjudication of the pending civil suit. Mere assertion of ownership, without supporting evidence, cannot confer a right to be impleaded as a party.

8. The learned revisional court while dismissing the revision has correctly appreciated the facts and law applicable to the case. No procedural irregularity,



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illegality, or violation of principles of natural justice is discernible in the impugned orders.

9. In view of the aforesaid discussions, this Court finds no merit in the present writ petition. The writ petition is accordingly dismissed.

10. The interim order dated 28.12.2023 shall stand discharged.

11. Pending application, if any, stands disposed of accordingly.

**(Pankaj Purohit, J.)**

22.12.2025

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