

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Special Appeal No. 01 of 2026

Bijendra Pal Singh and Others Appellants

Vs.

State of Uttarakhand and Others Respondents

Present:

Mr. Siddhartha Singh, Advocate for the appellants.

Mr. Birendra Singh Adhikari, Advocate for the respondent no.5.

Mr. J.C. Pande, Standing Counsel for the respondent nos. 1, 2 and 4/State.

Mr. Vipul Sharma, Advocate for the respondent no.3, through video conferencing.

Coram: **Hon’ble Ravindra Maithani, J.**
 Hon’ble Ashish Naithani, J.

Hon’ble Ravindra Maithani, J. (Oral)

The instant appeal has been preferred against judgment and order dated 10.12.2025, passed by this Court in WPMS No.3355 of 2025, Bijendra Pal Singh and Others Vs. State and Others (“the writ petition”). In the writ petition, the petitioner had sought the following reliefs:-

- (i) Issue a writ, order or direction in nature of mandamus commanding the official respondents to transfer 75 Acre of land to respondent no.6 for Phase V Housing Project, illegally recorded in name of respondent no.3.
- (ii) Issue a writ, order or direction in nature of mandamus directing the respondents no.1, 2 to hold the elections of respondent no.6, expeditiously.
- (iii) Issue a writ, order or direction in nature of Mandamus directing respondent no.6 to allot the plot numbers to the successful allottees and to complete the formalities for delivery of possession.

In the writ petition, by the impugned judgment, the appellants have been directed to approach the Secretary, Revenue, Government of Uttarakhand, by making a representation for ventilation of their grievances. The Court further observed that if the appellants make such representation within two weeks from then, decision thereupon shall be taken

within six months thereafter, with the condition that all stakeholders shall be heard by Secretary, Revenue before passing any order.

2. Heard learned counsel for the parties and perused the record.

3. Learned counsel for the appellants submits that the impugned judgment is not in accordance with law; the respondent no.6, Bharat Heavy Electrical Limited, Haridwar ("BHEL"), Grah Nirman Samiti Limited ("the *samiti*"), has been incorporated, and total 75 acres of land was to be transferred by the respondent no.5, BHEL, but this has not been done; if any action is to be taken by the State Government, the Court ought to have directed the State Government straightway to do the needful, but redirecting the appellants to the State Government by making a representation would serve no purpose; the appellants have no locus to represent before the State Government; they are members of the *samiti* only, who would ultimately get the benefit of the land allotment so as to construct houses.

4. Learned counsel for the respondent no.5, BHEL submits that BHEL has already transferred 75 acres of land to the State Government in the years 2003 and 2004, of which possession has already given to the State Government, and these documents were tendered at the time of hearing of the writ petition. They have already been taken on record; the relief no. (i) of the writ petition is to the effect that the land that has been transferred by BHEL to the State has wrongly been entered in the name of the State Infrastructure and Industrial Development Corporation of Uttarakhand Limited ("SIDCUL"); if it is so, the

State Government may rectify the mistake and transfer the land in the name of the *samiti*.

5. By the impugned judgment and order, the Court has not concluded about the rights of the parties. In fact, they were not in dispute when the matter was taken up for hearing on 10.12.2025. The claim of the appellants is that they are members of the *samiti*, who are to be allotted lands, which is to be provided by the BHEL. The impugned judgment records the statement given by learned counsel for the BHEL that the 75 acres of land, for the purpose of housing society, has already been transferred to the State Government in the years 2003 and 2004, of which records have been placed at the time of hearing. They are taken on record. This has also been so quoted in Para No.4 of the impugned judgment.

6. Now if the land, so transferred by the BHEL, has inadvertently been recorded in the favour of SIDCUL, this may definitely be clarified by the State Government. The Court could have definitely asked the State Government to correct it, but then the Court had given this liberty to the appellants to make a representation. For this reason only, the impugned judgment may not warrant any interference. The appellants may very well make a representation to the Secretary, Revenue, Government of Uttarakhand, so that he may take necessary action in the matter. Insofar as the question of locus is concerned, the appellants get locus by virtue of the Court's order dated 10.12.2025, passed in the writ petition.

7. Learned counsel for the appellants submits that liberty may be given to the appellants that in case they make a

representation and that is not decided in their favour, they may further approach to the Court.

8. Undoubtedly, in case the appellants are aggrieved by the decision taken on their representation, pursuant to the judgment dated 10.12.2025, they are always free to challenge it before the Court. The appellants may make such representation within next three weeks from today.

9. Having considered, we do not see any reason to interfere with the impugned judgment. Consequently, the appeal deserves to be dismissed.

10. The appeal is dismissed with the above observation.

(Ashish Naithani, J.)

23.02.2026

(Ravindra Maithani, J.)

Ravi Bisht