



2026:UHC:3659-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA
AND

HON'BLE SHRI JUSTICE SUBHASH UPADHYAY

13TH MAY, 2026

WRIT PETITION (PIL) No. 06 OF 2024

Akhil Vishwas @ Tilakdhari.

..Petitioner

Versus

State of Uttarakhand and others.

..Respondents

Counsel for the petitioner. : Mr. Sachin Veer Singh, learned counsel.

Counsel for the respondent nos. 1 to 3. : Mr. Y.C. Tiwari, learned Standing Counsel for the State of Uttarakhand.

Counsel for the applicant in the Impleadment Application. : Mr. Piyush Garg, learned counsel

JUDGMENT : (per Shri Manoj Kumar Gupta, C.J.)

1. The present writ petition has been filed ostensibly in public interest assailing the order dated 16.08.2023 passed by respondent no. 2, and the order dated 15.06.2023 passed by respondent no. 3. The petitioner has also prayed for issuance of a writ of mandamus directing respondent no. 1 to constitute a SIT and investigate the matter relating to illegal conversion of leased land to *bhumidhari*, under the Government Order dated 27.07.2016

2. The petitioner claims himself to be a public spirited citizen. It is alleged that the Revenue Authorities of District Udham Singh Nagar are converting lands of allottees, who have



violated conditions of the lease, to *bhumidhari* land, although several of them have transferred such land to third parties, thereby violating the covenants of the lease, which specifically prohibit transfer to any third party. The immediate cause of action for filing the writ petition is stated to be the rejection of a revision application of the petitioner by Commissioner, Kumaun Mandal, Nainital vide impugned order dated 16.08.2023 filed by the petitioner against the order of the Collector/ District Magistrate, Udham Singh Nagar dated 15.06.2023.

3. By order dated 15.06.2023, the District Magistrate, in Case No. 51/2003 Year 2022-23, initiated on the report of the Tehsildar, Rudrapur against respondent no. 4, has directed for vesting of Khasra No. 233d, area 0.2030 Ha in the State, while rejecting the prayer for cancellation of Patta in respect of Khata No. 31 Gata No. 89, area 0.2490 Ha and Gata No. 90, area 0.5590 Ha admeasuring 0.8080 Ha. The order of the Collector specifically records that, in terms of the Government Orders dated 17.01.2014 and 06.04.2016, respondent no. 4 had deposited the requisite amount of premium, and since it was found that there was no violation of any condition of lease in respect of the said land, proceedings in regard thereto for cancellation of patta have been dropped. In respect of Khasra



No. 233d , area measuring 0.2030 Ha, the District Magistrate found that father of respondent no. 4, who was the original lessee, had bequeathed the said land in favour of different persons, and as it amounted to transfer within the meaning of the covenants of the lease, and which being prohibited, the lease in respect of the said area has been cancelled, and the land has been vested in the State Government.

4. Learned counsel for the petitioner submits that there was transfer by gift by the original lessee in violation of the terms and conditions of the lease. The said fact was stated by the petitioner only by way of illustration. The petitioner has stated various other instances in the body of the writ petition, which warrant an inquiry.

5. Thus, it is not disputed before us that, in respect of the land bearing Khasra No. 233d , area 0.2030 Ha, which had been transferred in violation of the conditions of lease, the Collector has already directed for vesting of the said land in the State Government. In respect of other part of the land, which continues to be recorded as agricultural land, and where no violation was found, the proceedings have been dropped.



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6. We find no illegality in the order warranting interference, particularly at the instance of the petitioner, who has filed the writ petition ostensibly in public interest. In respect of other named persons, who, it is alleged have violated the conditions of lease, are not party to the present proceedings. It is always open to the State, or even to the petitioner to bring the said fact to the notice of the concerned authority, so that proceedings in accordance with law are initiated against such persons.

7. With the aforesaid liberty reserved in favour of the petitioner, the writ petition is dismissed.

8. All pending applications stand disposed of accordingly.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 13th May, 2026

Rahul

RAHUL
PRAJAPATI