



2026:UHC:663

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition (M/S) No.225 of 2026**

Charan Singh & Others

..... Petitioners

Vs.

Vimla Devi & Others

..... Respondents

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**Present:**

Mr. Rajesh Pandey, learned counsel for the petitioners

Mr. Shobhit Saharia, learned counsel for the caveator/respondent no.2

Mr. Sudhir Kumar Nainwal and Mr. Gajendra Tripathi, learned Standing Counsel for the State

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**Dated: 30.01.2026**

**Hon'ble Subhash Upadhyay, J.**

This writ petition has been filed for the following reliefs:-

*“(i) To issue a writ, order or direction in the nature of certiorari, calling for the records and quashing/setting aside the order dated 12.01.2026 passed by learned Judicial Member Board of Revenue, Uttarakhand, Dehradun in Revision No.42 of 2025-26 as well as impugned order dated 16.10.2025 passed by learned Commissioner (Kumaun Division), Nainital in Appeal No.138/2024-25 titled “Charan Singh and others vs. Smt. Vimla Devi and others” (Annexure Nos.1 and 8 respectively of this writ petition).*

*(ii) Issue a writ, order or direction staying the operation and execution of the judgment and decree dated 30.08.2025 passed by the Assistant Collector First Class/Sub Divisional Magistrate, Camp Gadarpur,*

*District Udham Singh Nagar (Annexure No.5 of this writ petition) during the pendency of the statutory appeal.*

*(iii) Issue a writ, order or direction directing the learned Commission, Kumaon Division, Nainital to reconsider and decide the stay application afresh, strictly in accordance with law, within a time-bound period as may be fixed by this Hon'ble Court.*

*(iv) Issue an appropriate writ, order or direction restraining the respondents and the revenue authorities from dispossessing the petitioners or interfering with their peaceful possession over the land in question during the pendency of the appeal."*

2. Mr. Rajesh Pandey, learned counsel for the petitioners, on instructions, confines his prayer to the limited extent that the Commissioner, Kumaun Division, Nainital be directed to decide the Appeal No.138/2024-25 titled "*Charan Singh and others vs. Smt. Vimla Devi and others*", which is pending disposal before him, as expeditiously as possible, within a time bound manner.

3. Mr. Shobhit Saharia, learned counsel for the caveator, submits that he has no objection to the prayer made by the counsel for the petitioners but pending a decision in the appeal, the execution proceedings may be allowed to continue, however, no final order may be passed.

4. In view of the consent given by learned counsel for the parties, this writ petition is disposed of with a direction to the Commissioner, Kumaun Division, Nainital to decide the Appeal No.138/2024-25 titled "*Charan Singh and others vs. Smt. Vimla Devi and others*", as expeditiously as possible at any rate within an outer limit of six months from the date of receipt of a copy of this order. Till decision in the appeal by the Commissioner, it is provided that the execution proceedings may go on but no final order shall be passed.

5. With the above direction, writ petition is disposed of finally.

6. Pending applications, if any, also stand disposed of accordingly.

**(Subhash Upadhyay, J.)**  
Vacation Judge  
30.01.2026

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**RAJINI  
GUSAIN**

Digitally signed by RAJINI GUSAIN  
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