



HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY
05TH AUGUST, 2026
WRIT PETITION (PIL) NO. 75 OF 2024

Ajay Kumar Aggarwal Petitioner.

Versus

Principal Secretary & others Respondents.

Counsel for the Petitioner	:	Mr. Pooran Singh Rawat, learned <i>Amicus Curiae</i> .
Counsel for the State	:	Mr. Amarendra Pratap Singh, learned Additional Advocate General.
Counsel for Respondent No.5	:	Mr. Sandeep Kothari, learned counsel.
Counsel for the Interventionist	:	Mr. Dushyant Mainali and Mr. Nikhil Bhatt, learned counsel.

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

1. The present PIL was registered on basis of a letter by one Ajay Kumar Aggarwal, wherein he alleged violation of a Government Order dated 28.04.2009 in execution of successive sale deeds and mutations carried out in respect of Lease No.155, admeasuring 916.82 sq. yards for construction of house and 4 bigha and 15 biswa for a Bagh. The allegation proceed on the premise that the lease had expired in the year 1960 and successive transfers were made without obtaining no-objection from the local body concerned, which in the instant case, is respondent no.5, i.e. Nagar Palika Parishad, Ramnagar.



2. The Nagar Palika Parishad, Ramnagar has filed counter-affidavit and a perusal whereof reveals that the original lease was executed on 01.04.1930 for a period of ninety years in favour of one Shri Bhawani Dutt, S/o Shri Jaydev Joshi. In Paragraph No.12 onwards, it has been disclosed how successive transfers of the said *Nazul* land had been made since 1945 onwards and at present, the intervener, namely, Mr. Devendra Padalia and his brothers are the owners of the portion of the building and some part of the *Nazul* land.

3. In Paragraph No.31 of the counter-affidavit, it is admitted that certain sales have been effected without seeking no-objection from the Nagar Palika Parishad and this was in violation of the Government Order dated 28.04.2009. The action of the Nagar Palika Parishad in mutating the names of the transferees is sought to be justified by stating that it was a mere procedural irregularity and since mutation is for fiscal purposes only, it does create any substantive right in favour of any person.

4. The interventionist, in his affidavit, has stated that Ajay Kumar Aggarwal, the letter petitioner, is a tenant of one of the shops in a building situated over the said *Nazul* land. The interventionist had instituted a Suit



bearing RCC No.6/2018 against his father-Ramsaran Das Agarwal, and after his death, the petitioner has been substituted as Defendant No.1/3 in the said Suit. It is stated that the letter petition was filed by him on wholly malafide considerations and as a direct outcome of the eviction proceedings pending against him. It is also stated that after 101 dates had been fixed in the said suit, the letter petitioner had filed copies of orders passed in the present writ petition and on basis of the same, he is trying to delay the proceedings of the Suit. Copy of the order-sheet of the suit and the application filed by the letter-petitioner has also been enclosed along by the interventionist along with his affidavit.

5. These facts have not been disputed by the Nagar Palika Parishad. We observe that the letter-petitioner in his letter-petition had not disclosed anything about the pendency of the eviction proceedings against him.

6. The primary purpose of entertaining letter-petition is to come in aid of persons who are not in a position to approach this Court because of poverty, disability or other genuine reasons and not to come in aid of any person who had availed the remedy to secure personal advantage.



7. The letter petition is clearly motivated and was intended to create obstacle in the pending eviction proceedings. As it has come on record that since the execution of the original lease deed, successive transfers have been made since 1945, therefore, we find no good ground to examine the validity of those transfers in the present proceedings and particularly at the behest of a person who had initiated the proceedings for his personal gains.

8. Accordingly, the letter petition is dismissed. It is clarified that the dismissal of the instant petition does not mean that this Court has expressed any opinion in relation to the validity of the successive sale deeds and it shall remain open to the State Government to take action as may be permissible under law, in case there is violation of any provision of law or conditions of the lease.

9. Pending application, if any, also stands disposed of.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dated: 05th August, 2026

NISHANT

NISHANT KUMAR