



2026:UHC:4522

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/1393/2026</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Vijay Bhatt, Senior Advocate, assisted by Mr. Priyank Kharkwal, Advocate for the petitioners. 2. Mr. Yogesh Pandey, Deputy Advocate General and Mr. Tarun Lakhera, Brief Holder for the State of Uttarakhand. 3. According to petitioners, they are resident of Village Maldhanchaur, Tehsil Ramnagar, District Nainital since 1969. The grievance raised by petitioners is that even though they are in peaceful possession of a piece of land in Village Maldhanchaur, however, property right thereupon, has not been conferred upon them. The reliefs sought in the writ petition are as follows:- <i>"a. To issue a writ, order or direction in the nature of mandamus directing respondent no. 2, namely the District Magistrate, Nainital, and respondent no. 3, namely, the Divisional Forest Officer, Ramnagar Forest Division, to consider and decide the representations dated 30.04.2026 submitted by the petitioners for grant of occupancy rights, regularization and allotment of the land situated in Village Maldhanchaur No. 8, Gopal Nagar, Tehsil Ramnagar, District Nainital, by passing a reasoned and speaking order strictly in accordance with law within such time as may be fixed by this Hon'ble Court. Copy of Representation dated 30.04.2026 is annexed herewith as Annexure No. 6 of this Writ Petition (Page No. 47-62).</i> <i>b. To issue a writ, order or direction commanding the respondents to consider the petitioners' claims in the light of the judgments and orders passed in Civil Miscellaneous Writ Petition No. 1854 of 1969, order dated 18.02.2071 annexed herewith as Annexure no. 2 of this Writ Petition, Page No. 29-34, Special Appeal No. 483 of 1971, order dated 02.02.1978 annexed herewith as Annexure no. 3 of this Writ Petition, Page no. 35-37. Civil Appeal No. 50 of 1984, order dated 13.05.1988, annexed herewith as Annexure no. 4 of this Writ Petition, Page no.</i>



		38-42 and Writ Petition No. 1464 (M/S) of 2008, order dated 10.07.2008 is annexed herewith as Annexure No. 5 of this Writ Petition, Page no. 43-46. <i>c. To issue a writ, order or direction restraining the respondents from dispossessing the petitioners from the land in question or from interfering with their peaceful cultivator possession and residential occupation, except in accordance with due process of law and until the representations submitted by the petitioners are duly considered ad decided."</i> 4. Learned State Counsel was given time to get instructions. On instructions, Mr. Yogesh Pandey, learned Deputy Advocate General submits that the land in question, over which petitioners are claiming property right, was notified as Reserve Forest and unless that land is de-notified, petitioners cannot be given any right over forest land. 5. Learned counsel for petitioners, however, disputes the said submission and submits that Hon'ble Allahabad High Court had quashed the notification, whereby Reserve Forest was declared, <i>vide</i> judgment dated 18.02.1971. 6. Learned State Counsel, however, submits that the notification, whereby land was declared as Reserve Forest is still valid and land in question is forest land. 7. Learned counsel for petitioners submits that petitioners have made representation to the District Magistrate, Nainital, who may be directed to take decision on the same. 8. The writ petition is, accordingly, disposed of with a direction to District Magistrate, Nainital to take decision on representation dated 04.05.2026 (Annexure-6 to the writ petition), as per law, within six months from date of
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2026:UHC:4522

			presentation of certified copy of this order. It goes without saying that while taking decision, comments from the Divisional Forest Officer of the concerned Forest Division shall also be invited. In case, the District Magistrate wants clarification on certain aspects, then it shall be open to him to summon petitioners for clarifying the doubts, if any, in the matter. (Manoj Kumar Tiwari, J.) 08.06.2026 Navin
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