



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 2068 of 2026

Anju Tyagi Petitioner

Vs.

State Government of Uttarakhand and Others Respondents

Present:
Ms. Reema Rana, Advocate for the petitioner.
Mr. Narayan Dutt, Standing Counsel for the State.
Mr. Manoj Kumar, Advocate for the respondent no.3/P.M.O.

JUDGMENT

Hon’ble Ravindra Maithani, J. (Oral)

By means of the instant petition, the petitioner seeks the following reliefs:-

- (a) Issue a writ, order, or direction in the nature of Mandamus, commanding and directing the Respondent No.8 (District Magistrate, Haridwar) and Respondent No.9 (Senior Superintendant of Police, Haridwar) to forthwith, and in any event within 24 hours of the order., restore the vacant and peaceful possession of the Petitioner’s property to her, using such police force as may be necessary for the purpose.
- (b) Issue a writ, order, or direction in the nature of Mandamus commanding the Respondent authorities, particularly Respondent No.6 (Director General of Police) and Respondent No.9 (Senior Superintendant of Police, Haridwar), to ensure a fair, impartial, and time-bound investigation into the fraudulent sale of the Petitioner’s property and to take immediate steps for the arrest and prosecution of all accused persons, including Indresh Tyagi, Umesh Kushwaha, Laxmi Bisht and Uttam Bisht, as well as any public servants, including the SHO, Kankhal (Respondent No.10), the

concerned Patwari, and Tehsildar (Respondent No.11), found to be complicit in the crime or in the dereliction of their duties.

- (c) Issue a writ, order, or direction commanding the Respondent No.1 (State of Uttarakhand) to pay exemplary compensation to the Petitioner, as may be quantified by this Hon'ble Court, for the gross violation of her fundamental, constitutional, and human rights, including compensation for: (i) Being rendered homeless since 2005, in violation of her right to shelter under Article 21 of the Constitution. (ii) The defamation, humiliation, and violation of her dignity and property rights under Articles 14, 15(1), 21 and 300A of the Constitution. (iii) The costs of litigation incurred by her over 21 years in her relentless pursuit of justice. (iv) The immense mental agony, trauma, and depression suffered due to the state's inaction. (v) The contumacious failure of the bureaucratic authorities to act on her numerous applications and complaints.
- (d) Pass any other or further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.

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

3. From the record, the case of the petitioner is revealed as below:-

The husband of the petitioner and others did file Original Suit No.122 of 2007, Indresh Kumar Tyagi and Others v. Smt. Anjulata Tyagi ("the suit"), for permanent injunction against the petitioner in the court of First Additional Civil Judge (Senior Division), Haridwar. The suit was decreed on 19.07.2016, whereby

the petitioner was directed not to dispossess the plaintiff in the suit without due process of law.

On 21.05.2019, the petitioner lodged FIR No.143 of 2019, at Police Station Kankhal, District Haridwar ("the FIR"), with the allegations that after decree in the suit on 19.07.2016, Indresh Kumar Tyagi, was staying in that property, and the petitioner was staying with her daughter in Indore. On 22.02.2019, when the petitioner came to see her property, she found some unknown persons, who told that they had purchased the property. Those persons did not also produce the documents pertaining to ownership. When the petitioner required those persons to vacate the property, they did not do so. The petitioner named Uttam Bisht, Sanjay Bisht, Shubham Bisht as the persons against whom the enquiry may be made. In this FIR, Chargesheet No.1 of 2020 has already been filed.

4. Learned counsel for the petitioner submits that in the FIR, chargesheet has been filed and criminal trial is pending, which was challenged by Indresh Kumar Tyagi in Criminal Misc. Application No.95 of 2021, Indresh Kumar Tyagi v. State of Uttarakhand and Another, which was rejected by the Co-ordinate Bench of this Court on 16.05.2025; the petitioner wants that the respondent no.6 may be directed to handover the peaceful possession of the property to the petitioner.

5. In fact, the petitioner also intervened and submits that her Fundamental Rights have been violated.

6. Learned State Counsel submits that the petitioner can seek remedy of possession from the civil court, and for this purpose, this Court may not make any intervention.

7. Learned counsel for the respondent no.3 submits that the remedy lies in the civil court.

8. In fact, the chargesheet has been filed with the allegations that a land, which has already been transferred to the petitioner, has been sold to some other person. The petitioner seeks possession of the property and directions to the respondent authorities to restore the peaceful possession of the petitioner.

9. As stated, chargesheet has been filed in the matter that the property has been wrongly sold. Whatever is the basis of the chargesheet that is allegation. They would require scrutiny during criminal trial. If the petitioner seeks possession of the property, she may definitely seek remedy under the civil law. These are question of facts, which require detail analysis. In this writ petition, such examination may not be done.

10. With these observations, the Court is of the view that the writ petition may not be entertained. Accordingly, the writ petition deserves to be dismissed at the stage of admission itself.

11. The writ petition is dismissed *in limine*.

(Ravindra Maithani, J.)
13.08.2026