



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/2510/2026</u> Purnima Gupta --Petitioner Versus State Of Uttarakhand --Respondent <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Suman Negi, Advocate with Ms. Ruchika Negi, Advocate for the petitioner. 2. Mr. Yogesh Pandey, Deputy Advocate General for the State/respondent no. 1. 3. Mr. Ashish Joshi, Advocate for respondent no. 2, through video conferencing. 4. Mr. Rahul Consul, Advocate for respondent no. 3. 5. By means of this writ petition, petitioner has sought the following reliefs:- <i>"1) Issue a writ in the nature of Certiorari quashing the impugned order dated 27.08.2024 of Respondent No 3 so far as it relates to Property No 68, Ghosi Mohalla belonging to the Petitioner and the sealing action thereupon in respect of the property belonging to the Petitioner as displayed in the Sketch annexed as Annexure No 2; (Annexure No-8; Page No. 52-54)</i> <i>2) Issue a writ in the nature of Mandamus commanding Respondents not to interfere in peaceful possession and commercial activity of petitioner over the property described in Annexure No 2 and to remove forthwith any seal/ illegal obstruction to allow the Petitioner to pursue her business;</i> <i>3) Issue an order / direction of the nature of mandamus directing the Respondents to comply with the orders with respect to 'non-interference in peaceful possession of Property' as decreed in orders of Case No 428/1985 titled Kunwar Bhupender Singh & Ors Vs State of UP and Others, which attained finality:</i> <i>4) To grant the Petitioner immunity/ moratorium from the adverse actions of the Banking Agency/ NBFC in the eventuality of default in repayment of loan in the</i>



			<i>pendency of the instant Petition;</i> <i>5) To allow the Petitioner to file additional documents which are not in her possession and held with the Respondents/ Court and take up additional grounds during the Course of the adjudication of the instant petition.”</i> 6. Mr. Rahul Consul, learned counsel appearing for Mussoorie Dehradun Development Authority (MDDA), however, submits that earlier Writ Petition (MS) No. 2850 of 2024 filed by petitioner’s husband was disposed of with liberty to him to make representation to the Vice Chairman, MDDA. He submits that this writ petition is wholly ill-advised and amounts to abuse of process. He submits that the land in question, over which petitioner claims to have running shops, is a <i>Nazul</i> land belonging to the State Government, which is being managed by MDDA, as custodian of <i>Nazul</i> land, petitioner was asked not to undertake commercial activity over <i>Nazul</i> land, vide order dated 27.08.2024, passed by Vice Chairman, MDDA. 7. Learned counsel for petitioner relied upon a decree passed by First Additional Civil Judge, Dehradun in O.S. No. 428/1985 for contending that predecessor-in-interest of the petitioner was declared to be the owner of land in question. 8. Learned State Counsel, however, submits that by the said decree, the defendants to that suit were restrained from interfering in the peaceful possession of the plaintiff. 9. Mr. Rahul Consul, learned counsel for MDDA submits that petitioner’s husband (Nitin Gupta) filed execution application, however, the Executing Court held that the decree relied upon by petitioner’s counsel is inexecutable. He
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			submits that the question of title was not gone into in that suit and further that <i>Nazul</i> land belongs to the State Government and no private individual can have any ownership right over <i>Nazul</i> land. 10. This Court is not inclined to grant relief as prayed for. 11. An order was passed on 27.08.2024, stating therein that petitioner's possession was got removed by the authorities of MDDA, Nagar Nigam Dehradun and Revenue Authorities, on 21.05.2024, however, petitioner appears to have again encroached upon that property. 12. Since there is dispute regarding title over the land in question, therefore, such dispute cannot be resolved in a writ petition. If petitioner has any grievance or he claims any right, title or interest over the land in question, then the appropriate remedy for her is to file a Civil Suit before the Competent Court. 13. The writ petition is, accordingly, disposed of with liberty to petitioner to approach the appropriate forum. (Manoj Kumar Tiwari, J.) 18.08.2026 <i>Mahinder/</i>
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