



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No.3633 of 2025

28 April, 2026

Can Fin Homes Limited, Housing Finance Company

--Petitioner

Versus

District Magistrate, Dehradun and Others --Respondents

Presence:-

Mr. Vipul Sharma, learned counsel for petitioner-Housing Finance Company.

Mr. Tarun Lakhera, learned Brief Holder for the State of Uttarakhand/respondent Nos.1 and 2.

Hon'ble Pankaj Purohit, J. (Oral)

This writ petition has been filed by the petitioner, housing finance company, challenging the order dated 27.11.2025, whereby, learned District Magistrate, Dehradun, passed a blanket order against the petitioner not to initiate recovery proceedings against respondent No.3.

2. Learned counsel for petitioner submits that petitioner-housing finance company has given three housing loans to respondent No.3 amounting to Rs.20,00,000/-, Rs.4,00,000/- and Rs.1,04,797/-. Respondent No.3 committed default of repayment of the above loans, which resulted into correspondence between the petitioner and respondent No.3 to make the payment of aforesaid loans. District Magistrate, on being approached by respondent No.3, has passed impugned order.

3. Learned counsel for petitioner further submits that the order passed by learned District Magistrate, Dehradun is absolutely beyond jurisdiction and without his competence; therefore, the same cannot sustain.



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4. This Court vide order dated 31.03.2026 asked learned State Counsel to seek instruction in the matter regarding the fact that under which provision of law, the impugned order has been passed by learned District Magistrate, Dehradun.

5. Today, learned State Counsel passed on to this Court written instruction dated 15.04.2026, which is taken on record. On the basis of instruction, learned State Counsel submits that the order has been passed by learned District Magistrate only on humanitarian ground and on the basis of fact that one writ petition being WPMS No.2489 of 2025 filed by petitioner-housing finance company, is pending between the parties before this Court. However, learned State Counsel is *ad idem* that District Magistrate has got no jurisdiction to pass such an order.

6. Since, India is a country run by a law, therefore, order should be passed strictly in accordance with law and within the framework of law. Such an order cannot be passed by District Magistrate purely on humanitarian ground.

7. Accordingly, the present writ petition is allowed. Impugned order dated 27.11.2025 passed by respondent No.2 (Annexure No.2 to the writ petition) is hereby quashed. However, petitioner may proceed against the respondent No.3 for recovery of the aforesaid loans strictly in accordance with law.

8. Pending applications stand disposed of.

(Pankaj Purohit, J.)
28.04.2026

PN