
(2019) 01 UK CK 0003

In the Uttarakhand High Court

Case No : Writ Petition (M Of S) No. 3926 Of 2018

Arpan Agarwal & Others

APPELLANT

Vs

District Magistrate, Nainital, District Nainital & Others

RESPONDENT

Date of Decision : 02-01-2019

Acts Referred:

Citation : (2019) 01 UK CK 0003

Hon'ble Judges : Manoj K. Tiwari, J

Bench : Single Bench

Advocate : Harendra Belwal, Vinod Nautiyal

Final Decision : Disposed Off

Judgement

Manoj K. Tiwari, J

1. Mr. Harendra Belwal, learned counsel for the petitioners seeks permission to withdraw the writ petition qua petitioner Nos. 2 to 5 with liberty to file fresh and he presses the writ petition only as regard to petitioner No. 1.

2. In the interest of justice, permission granted.

3. Accordingly, writ petition is dismissed as withdrawn in respect of petitioner Nos. 2 to 5 with the aforesaid liberty.

4. Sri Arpan Agarwal (petitioner) purchased a plot of land in Village Kaniya, Tehsil Ramnagar, District Nainital in the month of November, 2017. Sri Harendra Belwal, learned counsel for the petitioner submits that immediately after purchasing the land, petitioner applied for mutation of his name in revenue record and his mutation application is still pending before Tehsildar Ramnagar, therefore, petitioner has sought direction to concerned Tehsildar to expedite disposal of his mutation application.

5. Mr. Vinod Nautiyal, learned Deputy Advocate General for the State of Uttarakhand submits that certain villages of Ramnagar Tehsil have been declared

'Fruit Belt' and ban has been imposed on transfer of land in those villages and also on mutation of the said land. He further submits that in view of ban imposed by the State Government, the mutation application, filed by the petitioner, cannot be allowed.

6. Mr. Harendra Belwal, learned counsel for the petitioner further submits that the authorities have allowed mutation applications filed by few individuals in the Fruit Belt. In reply, Sri Nautiyal, learned Deputy Advocate General for the State submits that those individuals had given an undertaking in the shape of an affidavit that they will not use the land for residential and commercial purpose.

7. Having regard to the facts and circumstances of the case, I am of the opinion that interest of justice would be served by directing Tehsildar, Ramnagar to decide petitioner's application for mutation, one way or the other, within some specific time frame.

8. Accordingly, the writ petition is disposed of with a direction to Tehsildar, Ramnagar, District Nainital to decide the mutation application of the petitioner, by passing a reasoned order, within ten weeks from the date of production of certified copy of this order.