



2026:UHC:2675-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

16th April, 2026

Special Appeal No.100 of 2026

Divya Pandey

-----Petitioner

Versus

State of Uttarakhand & others

-----Respondents

Presence:-

Ms. Khusbu Tiwari Sharma, learned counsel for the appellant.

Mr. J.C.Pande, learned Standing Counsel for the State/respondents no. 1 & 2.

Mr. N.S.Pundir, learned counsel for the respondent no.3.

JUDGMENT: (per Manoj Kumar Gupta, C.J.)

1. The present *intra court* appeal is directed against the order dated 07.04.2026, passed by learned Single Judge in Writ Petition (M/S) No. 849 of 2026, Divya Pandey vs. State of Uttarakhand and others, whereby the learned Single Judge while entertaining the writ petition and calling for counter affidavit from the State respondents, has fixed 06.05.2026 as the next date and has directed the application for interim relief to be considered after the counter affidavit is filed by the State.

2. In the writ petition the appellant has assailed the order passed by the respondent no. 2 dated



25.03.2026, by which, lease of a property in favour of the appellant, though still subsisting, has been cancelled and direction has been issued to take possession of the demised premises.

3. Learned Standing Counsel, on instructions, states that the possession of the demised land of the property has yet not been taken and the appellant continues to be in possession of the same.

4. It is not disputed that the lease was executed on 15th October, 2020, between the appellant and Zila Panchayat, Dehradun for a period of 30 years. The period of lease has yet not expired. Respondent no. 2 has sought to determine the lease on various grounds.

5. It is submitted by learned counsel for the appellant that since the lease was for a period of 30 years and it was cancelled by respondent no.2 by the order impugned in the writ petition and validity of which is *sub judice* and there is threat of dispossession, therefore, the interest of the appellant should have been protected.



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6. We find force in the submission. The learned Single Judge is yet to consider the stay application on the next date. If, in the meantime, the appellant is dispossessed, the interim stay application which is posted for hearing on the next date, will be rendered infructuous.

7. In view of the above, we dispose of the instant appeal by providing that the appellant shall not be dispossessed till the interim stay application is decided by the learned Single Judge.

8. The appellant will not seek any adjournment before learned Single Judge otherwise, it shall be open to the learned Single Judge, to decide the stay application *ex parte*.

9. The appeal stands disposed of accordingly.

10. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 16.04.2026
Kaushal



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