

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WRIT PETITION (PIL) NO. 95 of 2019

Ravi Shankar Joshi

.....Petitioner

Vs.

State of Uttarakhand and others.

...Respondents

Sri Rajeev Singh Bisht, learned counsel for the petitioner.

Sri Paresh Tripathi, learned Chief Standing Counsel for the State of Uttarakhand / respondent nos. 1 to 5. .

Dated : 23rd July, 2019

Coram: Hon'ble Ramesh Ranganathan, C.J.

Hon'ble Alok Kumar Verma, J.

Ramesh Ranganathan, C.J. (Oral)

Impleadment Application (CLMA No. 10035 of 2019) is ordered.

2. The petitioner's complaint in this public interest litigation is that surplus land, under the U.P. Imposition of Ceiling on Land Holdings Act, 1960, which stood vested in the State Government is now being sold away by the private respondents.

3. When the matter came up earlier, we had asked Sri Paresh Tripathi, learned Chief Standing Counsel for the State of Uttarakhand, to obtain instructions. Today Sri Paresh Tripathi, learned Chief Standing Counsel, would submit that, while possession of the subject land was taken-over by the Sub Divisional Magistrate on 08.11.2012, the impleaded private respondents have surreptitiously sold the surplus land, and have sought mutation of their names in the revenue records; they alienated the said land, during the pendency of proceedings before the Allahabad High Court, in favour of others; and there is a history of litigation, culminating in an order being passed by the learned Single Judge on 21.05.2019, against which the State Government is in the process of preferring an SLP before the Supreme Court.

4. Surplus ceiling lands vest in the State, and alienation by the private parties, after such vesting, is impermissible in law.

5. While the specific allegations in the writ petition need to be answered by way of counter affidavits, both by the official respondents and the unofficial respondents, suffice it, to prevent further third party interests being created by the private respondents, to direct the 6th respondent not to register transfer of the subject land, be it by way of mortgage, sale, gift, lease, or otherwise, pending further orders in this writ petition.

[

(Alok Kumar Verma, J.)**(Ramesh Ranganathan, C.J.)**

23.07.2019

23.07.2019

Rathour