

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

**Writ Petition No. 23 (MS) of 2016**

Smt. Sadqa Begum.

.....Petitioner.

Versus

State of Uttarakhand.

..... Respondents.

Present:

Mr. Sudhir Kumar, Advocate for the petitioner.

Mr. M.S. Bisht, Brief Holder for the State of Uttarakhand.

**Hon'ble Alok Singh, J.**

1. Petitioner applied for grant of free hold right over the nazool property on which petitioner is residing. Petitioner had also deposited the necessary fees. No action was taken on the application of the petitioner, therefore, petitioner approached this Court by way of filing WPMS No. 1577 of 2008. This Court vide order dated 24.04.2009 disposed of the writ petition directing the District Magistrate Nainital to pass appropriate orders. In compliance of Court's order, Collector vide order dated 01.07.2009 rejected the application of the petitioner. Against the order dated 01.07.2009 petitioner preferred appeal before Commissioner, Kumaon Mandal, Nainital, which was also dismissed vide order dated 13.03.2015. Feeling aggrieved, petitioner again approached this Court challenging the order dated 01.07.2009 and 13.03.2015 passed by Collector and Commissioner.

2. Heard Mr. Sudhir Kumar, Advocate for the petitioner and Mr. M.S. Bisht, Brief Holder for the respondent.

3. Mr. Sudhir Kumar, Advocate for the petitioner submits that District Magistrate has passed the impugned order without hearing the petitioner.

4. Mr. M.S. Bisht, Brief Holder for the State submits that petitioner is a tenant in the said premises and no lease deed was ever executed in favour of petitioner and case of the petitioner is not covered under the Nazool Policy.

5. From perusal of record, it transpires that though District Magistrate had not given opportunity of hearing to the petitioner but Commissioner has passed detailed order after hearing the petitioner. Merely residing in the Nazool property does not give any right to the petitioner to get the nazool land converted into freehold. The case of the petitioner does not cover under the Nazool Policy. Therefore, there is no illegality or perversity in the impugned orders. Accordingly, writ petition fails and is hereby dismissed. No order as to costs.

**(Alok Singh, J.)**  
31.10.2018