WPMS/3384/2026

Saxena Health Care Pvt Ltd --Petitioner

Versus

State Of Uttarakhand & others --Respondents

Hon'ble Pankaj Purohit, J.

Mr. Ajeet Kumar Yadav, learned counsel for the petitioner.

2. Mr. D.S. Bora, learned Deputy Advocate General along with Mr. Suyash Pant, learned Standing Counsel and Mr. Hargovind Pant, learned Brief Holder for the State.

3. Petitioner has filed the present writ petition seeking a writ of mandamus directing the SDM, Sitarganj, District Udham Singh Nagar to decide the petitioner's application filed under Section 41 of the Uttarakhand Land Revenue Act, 1901 (as amended up to date) within a stipulated time.

4. This Court, vide order dated 04.11.2026, called upon learned State Counsel to get instructions in the matter as to what had happened to the application moved by the petitioner.

5. Today, on instructions, Mr. D.S. Bora, learned DAG, submits that no such application is lying in the Court of Assistant Collector, 1st Class, Sitarganj, District Udham Singh Nagar.

6. Learned counsel for the petitioner has drawn the attention of this Court to annexure no.3 to the writ petition, which is the application allegedly submitted by the petitioner in the Court of Assistant Collector, 1st Class, Sitarganj on 06.08.2026, and it is only for the disposal of this application the prayer has been made.

7. From perusal of the application, it is reflected that it

has been addressed to the wrong forum. Instead of the SDM, Sitarganj, District Udham Singh Nagar, it should have been submitted in the Court of Assistant Collector, 1st Class, Sitarganj, District Udham Singh Nagar. Further, from the record, it is also discernible that the said application was sent by post to the Up-Zila Adhikari, Sitarganj, District Udham Singh Nagar on 06.08.2026.

8. In view of the statement made by learned State Counsel that no such application is pending in the Court of Assistant Collector, 1st Class, Sitarganj, District Udham Singh Nagar, and further, in view of the fact that the application has not been properly filed by the petitioner before the proper forum, no order can be passed in the writ petition as prayed for by the petitioner.

9. The writ petition is, therefore, being disposed of by giving liberty to the petitioner to move proper application under Section 41 of the Uttarakhand Land Revenue Act, 1901, in the Court of Assistant Collector, 1st Class, Sitarganj, District Udham Singh Nagar, within a period of ten days from today, and if such an application is filed by the petitioner in the Court of Assistant Collector, 1st Class, Sitarganj, District Udham Singh Nagar, the said application shall be dealt with by the said court/authority strictly in accordance with law and expeditiously, without any further delay.

(Pankaj Purohit, J.)
18.11.2026

AK

AVNE ET KAUR