

(2021) 08 UK CK 0162

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 131 Of 2012

Shiv Dutt Dalakoti (Now Deceased) And Others

APPELLANT

Vs

Commissioner, Kumaon Division & Others

RESPONDENT

Date of Decision : 11-08-2021

Acts Referred:

Land Revenue Act, 1901 — Section 54, 210, 219

Citation : (2021) 08 UK CK 0162

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Devendra Pant, Vinod Nautiyal, M.S. Bhandari

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. Petitioner filed an application under Section 54 of Land Revenue Act, 1901. The said application was allowed by Assistant Record Officer, Udham

Singh Nagar vide judgment & order dated 30.11.2002.

2. Mr. Uttam Kumar (respondent no. 5) challenged the said order by filing an Appeal under Section 210 of Land Revenue Act, 1901, which was

dismissed by Record Officer, Udham Singh Nagar vide judgment & order dated 07.04.2010. Feeling aggrieved, respondent no. 5 filed Revision under

Section 219 of the said Act, which has been allowed by Commissioner, Kumaon Division, Nainital vide judgment dated 23.11.2011 and the matter was

remanded back to Assistant Record Officer for decision afresh on petitioner's application. The said remand order passed by Divisional

Commissioner has been put to challenge in this writ petition. This writ petition was filed in the month of January, 2012, however, no interim order was

passed in favour of the petitioner.

3. In the absence of any interim order, learned Assistant Record Officer must have decided petitioner's application by now. Even otherwise also,

this Court does not find any reason to interfere with the remand order, that too in summary proceedings under Land Revenue Act, where question of title cannot be decided.

4. In such view of the matter, writ petition is dismissed. No order as to costs.