

(2026) 01 UK CK 1814

In the Uttarakhand High Court

Case No : Writ Petition Miscellaneous Single No. 3575 Of 2025

Surendra Singh

APPELLANT

Vs

Aniruddh Kumar Sharma And Others

RESPONDENT

Date of Decision : 02-01-2026

Acts Referred:

Uttar Pradesh Zamindari Abolition And Land Reforms Act, 1951 — Section 229B
Code Of Civil Procedure, 1908 — Section 80
Constitution Of India, 1950 — Article 227

Citation : (2026) 01 UK CK 1814

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Tapan Singh, Anjali Bhargava, K.S. Mehta, Bhupendra Koranga

Final Decision : Dismissed

Judgement

Pankaj Purohit, J

1. By means of the present writ petition under Article 227 of the Constitution of India, petitioner has challenged the judgment and order dated 25.08.2023 passed by learned Additional Commissioner, Garhwal Mandal, Camp Dehradun, in First Appeal No.17 of 2020-21 Shri Aniruddh Kumar Sharma and Others Vs. Shri Surendra Singh and Others, whereby, the said appeal was partly allowed rejecting the order dated 29.12.2020 and learned Lower Court was directed to give opportunity of hearing to legal heirs of the deceased and to replace the legal heirs of the deceased in the Suit; as well as the judgment and order dated 28.11.2025 passed by learned Board of Revenue in Second Appeal No.93 of 2022-23 Shri Surendra Singh Vs. Shri Aniruddh Kumar Sharma and Others, whereby, the second appeal was rejected.

2. The brief facts of the case are that father of petitioner was in possession of the land Khasra No.10ka measuring 0.2020 hectare and Khasra No.32Ga measuring 0.0530 hectare total area 0.2550 hectare situated in Mauza Bhogpur, Tehsil Rishikesh, District Dehradun, since last 75 years and after death of his father,

petitioner is in possession of aforesaid land, name of Sh. Ramchandra and Sh. Nardev Sharma both sons of Sh. Parasram was recorded in revenue record. Since petitioner's father have two sons namely Rajendra Singh Rawat and Surendra Singh Rawat (petitioner herein), therefore, in family partition the aforesaid land was came into petitioner's share by the family settlement dated 16.02.2004. In family partition, Leechi Orchard and two shops situated were came into petitioner's share. But in the year 2009, petitioner's brother tried to interfere in the possession of the aforesaid two shops, therefore, petitioner filed injunction suit bearing Suit No.107 of 2009 Surendra Singh Rawat Vs. Rajendra Singh Rawat, which was decreed vide judgment and decree dated 25.02.2017. Petitioner's brother challenged the aforesaid judgment and decree dated 25.02.2017 in Civil Appeal No.24 of 2017 Rajendra Singh Rawat Vs. Surendra Singh Rawat, which was dismissed by the learned Appellate Court vide judgment and order dated 03.10.2018. Petitioner's brother thereafter filed the Second Appeal No.122 of 2018 Rajendra Singh Rawat Vs. Surendra Singh Rawat, which was dismissed by Coordinate Bench of this Court vide judgment and order dated 15.11.2018.

3. By aforesaid settlement dated 16.02.2004, land in-question came into the share of petitioner and earlier petitioner's father and after his father's death, petitioner is in continuous possession of the land in-dispute, which is in the knowledge of Shri Ramchandra and Nardev Sharma both sons of Shri Parasram. Name of Shri Ramchandra S/o Shri Parasram and name of Shri Aniruddh, Shri Dhananjay, Shri Tribhuwan, Shri Shudhanshu, Shri Sridhar, all are sons of Late Nardev Sharma and Smt. Sombala Sharma W/o Late Nardev Sharma, were being recorded in the revenue record, therefore, petitioner filed a suit under Section 229B of U.P.Z.A.&L.R. Act, 1951, before learned Assistant Collector-1st Class, Rishikesh, District Dehradun on 31.08.2012 after giving notice under Section 80 of CPC dated 15.06.2012 to opposite parties, which was registered as Case No.23 of 2012-13 Surendra Singh Vs. Ram Chandra and others. Respondent Nos.1 to 5 and Smt. Sombala (defendant Nos.2 to 7 in the suit) put their appearance before learned Assistant Collector-1st Class, but they did not file any written statement before the learned Trial Court. After giving several opportunities, on 15.12.2020, learned Trial Court closed the opportunity of hearing of defendants and directed to proceed the matter ex-parte against the defendants and on 29.12.2020 decreed the suit ex-parte against the defendants and directed to delete the name of Shri Ramchandra S/o Shri Parasram and Shri Aniruddh, Shri Dhananjay, Shri Tribhuwan, Shri Shudhanshu, Shri Sridhar, all are sons of Late Nardev Sharma and Smt. Sombala Sharma W/o Late Nardev Sharma, from the revenue records and recorded the name of petitioner as Bhumidhar with transferable rights under category 1Ka in revenue record. Thereafter, respondent Nos.1 to 6 challenged the judgment and order dated 29.12.2020 in revision No.17 of 2020-21 before the learned Additional Commissioner, Pauri Garhwal, Dehradun, which was converted in the appeal vide order dated 13.07.2022. The said appeal was partly allowed vide order dated

25.08.2023 rejecting the order dated 29.12.2020 and learned Lower Court was directed to give opportunity of hearing to legal heirs of the deceased and to replace the legal heirs of the deceased in the Suit. Feeling aggrieved by the judgment and order dated 25.08.2023, petitioner preferred second appeal No.93 of 2022-23 before the learned Board of Revenue, which was rejected vide judgment and order dated 28.11.2025. Thus, petitioner is before this Court challenging the impugned judgments and orders dated 25.08.2023 and 28.11.2025.

4. Learned counsel for the petitioner submits that the father of petitioner was in possession of the land in-question since 75 years and after his father's death, petitioner is in possession of the land in-question. He further submits that learned Courts below did not applied their judicial mind while passing the impugned judgments and orders and passed it on the basis of surmises and conjectures, therefore, impugned judgments and orders are not sustainable in the eyes of law and liable to be set aside. He also submits that the petitioner has no other efficacious remedy except to invoke the supervisory jurisdiction by invoking the provisions of Article 227 of the Constitution of India.

5. I have heard the learned counsel for the petitioner and have gone through the impugned judgments and orders as well as the entire record available on record. Reasons cited by the learned Courts below are sound and convincing, thus, this Court is of the view that no interference is required exercising its supervisory jurisdiction under Article 227 of the Constitution of India.

6. Accordingly, the present writ petition fails and is dismissed in-limine. Since, the Suit is pending since 2012, therefore, it is directed that learned Trial Court shall decide and conclude the hearing of Case No.23 of 2012-13 Surendra Singh Vs. Ram Chandra and others, in accordance with law after giving opportunity to either of the parties, expeditiously but not later than two years from the date of production of certified copy of this order.

7. Pending application(s), if any, stands disposed of.