



2026:UHC:1126

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 397 of 2026

20 February, 2026

Jaspal Singh

--Petitioner

Versus

District Magistrate & another

--Respondents

Presence:-

Mr. Ankush Singhal, learned counsel holding brief of Mr. Harshpal Sekhon, learned counsel for the petitioner.

Mr. Anil Dabral, learned Additional C.S.C. along with Mr. Suyash Pant, learned Standing Counsel for the State.

Hon'ble Pankaj Purohit, J.

According to learned counsel for the petitioner, he is a landless person, who was allotted a piece of agricultural land declared surplus in proceedings under U.P. Imposition of Ceiling on Land Holdings Act, 1960, vide order dated 13.01.2006. Grievance raised by petitioner is that his name is not being recorded in Category 1 kha i.e. Bhumidhar with non-transferable right.

2. Learned counsel for the petitioner relies upon Section 131(d) of Uttarakhand Zamindari Abolition and Land Reforms Act, 1950 in support of his contention that every person, with whom surplus land is settled, is entitled to be recorded as Bhumidhar with nontransferable right. Section 131(d) of the aforesaid Statute is quoted below:-

“131. Bhumidhar with nontransferable rights.- (d) with effect from July 1, 1981 every person with whom surplus land is or has been settled under 26A or sub-section (3) of Section 27 of the U.P. Imposition of Ceiling on Land Holdings Act, 1960.”



3. Learned State Counsel refers to the allotment order, issued in favour of petitioner. In the said document, reference is made to Section 25 of U.P. Imposition of Ceiling on Land Holdings Act, 1960 for making allotment.

4. Learned State Counsel submits that power under Section 25 of the U.P. Imposition of Ceiling on Land Holdings Act, 1960 is available to State Government for using the surplus land for any purpose for which such land could have been acquired and State can invoke this power to retain the land for public purpose/construction of building etc. He further submits that surplus land can be settled in favour of weaker sections of society only under Section 27(3) of the Act. Sections 25 and 27(3) of the Act are reproduced below for ready reference:-

“25. Use of surplus land for other public purposes. - *The State Government may, instead of settling any surplus land in accordance with the provisions of this Act, use or permit the use either temporarily or permanently of the whole or any portion of such land for any purpose for which such land could have been acquired under the Land Acquisition Act, 1894.*

27(3) (3) *Any remaining surplus land shall be settled by the any Collector in accordance with the order of preference, and subject to the limits, specified respectively in 3 subsections (1) and (3) of Section 198 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.”*

5. Learned State Counsel submits that since a wrong provision was invoked while issuing allotment order in favour of petitioner, due to that reason difficulty is being faced by Revenue Authorities in making entry of name of petitioner in the Revenue records. Learned State Counsel further submits that as per provisions contained in Land Record Manual, the land declared as surplus under Ceiling Act, is to be recorded as 4(ka) in Revenue Record and if such land is allotted to some person, then name of such person is entered as 4(ka)(ka) in the Revenue Record.

6. Learned counsel for the State further submitted that the writ petitions WPMS Nos.28 of 2026 and 30 of 2026 involving the same controversy have been made part



heard by a Co-ordinate Bench of this Court, therefore these writ petitions should also be transferred to the same Bench.

7. The orders passed by the Co-ordinate Bench have also been supplied by the State counsel.

8. Learned counsel for the petitioner also relied upon the judgment and order passed by Co-ordinate Bench of this Court in WPMS No.3367 of 2025, wherein the petitioners to that writ petition were granted opportunity to make representation(s) and a direction is made to decide the representation(s), in accordance with law within a stipulated period.

9. I have perused the orders passed by both Co-ordinate Bench of this Court.

10. This Court feels that the orders passed by Hon'ble Justice Manoj Kumar Tiwari has only directed to decide the representation, in accordance with law, therefore, this Court is of the opinion that it will not make any kind of difference, if such order is passed by this Court, in this writ petition.

11. The writ petition is accordingly, disposed of with liberty to petitioner to make representation/application to District Magistrate, Udham Singh Nagar, for correcting of the provision invoked for allotting land to him. If such representation is made within two weeks from today, District Magistrate shall examine the matter and pass appropriate order, within eight weeks thereafter. Stake holders, if any, shall also be heard while taking any decision in the matter.

(Pankaj Purohit, J.)

20.02.2026

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