IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Special Appeal No.345 of 2026

17th August, 2026

Satyendra Singh Sirohi and Another -----Appellants

Versus

State of Uttarakhand and Others ----Respondents

Presence:-
Mr. Sanjay Kumar Chandel, learned counsel for the appellants.
Mr. J.C. Pandey, learned Standing Counsel for the State of Uttarakhand/ respondent nos.1 to 4.

JUDGMENT : (per Mr. Manoj Kumar Gupta C. J.)

1. Heard learned counsel for the parties.

2. The appellants filed WPMS No.2108 of 2026 praying for a writ of mandamus commanding District Magistrate, Udham Singh Nagar (respondent no.2) to grant *patta* in their favour over Khasra No.133/13 Revenue Village Pachchawala, Tehsil Kashipur, District Udham Singh Nagar on basis of their alleged possession over the said land and for a further direction to Sub-Divisional Magistrate, Kashipur, District Udham Singh Nagar to take decision on their applications dated 10.11.2025 and 02.12.2025 within a specified time.

3. The petitioners/ appellants alleged that they

were in possession of the aforesaid land. It is an admitted fact that the said land has been declared surplus under the provisions of the U.P. Consolidation of Land Holdings Act. However, on the basis of their alleged possession, the petitioners made claim for allotment of the surplus ceiling land in their favour.

4. The learned Single Judge, after noting the contention of the petitioners and learned Standing Counsel, disposed of the writ petition with the following observations:

> *"6. The writ petition, however, is disposed of with direction to District Magistrate to follow the Scheme of Imposition of Ceiling on Land Holdings Act and also relevant provision contained in Zamindari Abolition and Land Reforms Act, while making allotment of the land declared surplus."*

5. Learned counsel for the petitioners submits that the learned Single Judge has not given any specific direction for deciding the representations of the petitioners though prayed for. It is on this limited ground that the instant appeal has been filed.

6. The observation made by the learned Single Judge, as quoted above, was in reference to the prayer made by the petitioners for direction to the District Magistrate to decide their representations.

7. In view of the apprehension expressed by the

appellants that in absence of specific direction the District Magistrate may not decide their representations, we dispose of the instant appeal with the clarification that the District Magistrate would take decision on the representations made by the petitioners, in the light of the observations made by the learned Single Judge, within a period of eight weeks from the date of communication of the instant order.

8. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 17.08.2026
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