



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 879 of 2015

18 December, 2025

Sukhveer Singh

--Petitioner

Versus

Jagpal Singh

1. 1: Rajendra

2: Gram Sabha Bhalaswagaj

--Respondents

Presence:-

*Mr. M.S. Tyagi, learned senior counsel assisted by
Mr. Sunil Chandra, learned counsel for petitioner.*

*Mr. Ravi Bisht, learned counsel holding brief of Mr.
Aditya Pratap Singh, learned counsel for respondent
No.1/1.*

None present for respondent No.2-Gram Sabha.

Hon'ble Pankaj Purohit, J. (Oral)

This writ petition under Article 227 of the Constitution of India has been filed by petitioner challenging the order dated 11.01.2001 passed by learned Settlement Officer of Consolidation, Haridwar Camp Roorkee, in Appeal No.1358 *Jagpal Singh Vs. State*, under Section 11(1) of the U.P. Consolidation of Holdings Act 1953 (hereinafter referred to as 'the Act'), whereby, order passed by learned Consolidation Officer dated 18.12.1998 was set aside; as well as the order dated 13.03.2015 passed by learned Revisional Authority i.e. Deputy Director of Consolidation/ Additional Collector, Haridwar, whereby, the revision preferred by petitioner was rejected and the order passed by learned Appellate Authority was affirmed.

2. The facts in brief are that an objection was moved by respondent No.1-Jagpal Singh before the



learned Consolidation Officer stating therein that valuation of the land comprised in Khasra No.185 *min* Jumla area 0.082 hectare was to be fixed. Learned Consolidation Officer has rejected the said application vide order dated 18.12.1998 on the basis that the land has already been kept out of the consolidation being *Aabadi* land and that no agriculture activities were being undertaken over the said land. Feeling aggrieved, respondent No.1-Jagpal Singh preferred an Appeal being Appeal No. 1358 *Jagpal Singh Vs. State*, before learned Settlement Officer of Consolidation, Haridwar, Camp Roorkee, which was allowed vide judgment and order dated 11.01.2001 and the valuation of land in-question was fixed @80 paise and further, the land in-question was also directed to be recorded in *General Aabadi*.

3. Feeling aggrieved, the petitioner challenged the appellate order before learned Revisional Authority i.e. Deputy Director of Consolidation, Haridwar, on the ground that the land in-question was kept aloof from the consolidation proceedings being *Aabadi* land, and therefore, the valuation of the said land cannot be fixed by learned Settlement Officer of Consolidation in appellate jurisdiction, and therefore, order suffers from patent illegality and deserves to be set aside. However, unfortunately the revision was also dismissed and the argument raised by petitioner has not been dealt with in right perspective. Thus, petitioner is before this Court by challenging the impugned order dated 11.01.2001 and 13.03.2015.

4. Learned senior counsel for the petitioner submits that the order passed by learned Appellate



Authority itself is a self-contradictory order. On the one hand, he is directing for valuation of the land to be fixed @80 paise, but on the other hand he also issued a direction to record the said land in-dispute in *General Aabadi*, which cannot be done.

5. It is a settled position of law according to learned senior counsel for petitioner that *Aabadi* land is kept out of consolidation proceedings, and therefore, no valuation of the said land can be fixed. He further drew the attention of this Court to the revisional order, wherein, the Revisional Court itself has recorded a finding that the said land in-question is *Aabadi* land, therefore, he submits that the order passed by the learned Appellate Authority cannot sustain for a moment and even the revisional order also deserves to be set aside.

6. Per contra, learned counsel appearing for respondent No.1/1 vehemently tried to support the judgment passed by learned Appellate Authority as well as by the learned Revisional Authority.

7. Having heard the learned counsel for the parties, this Court is of the view that in view of the aforesaid discussion, the order passed by learned Appellate Authority dated 11.01.2001 and order passed by learned Revisional Authority dated 13.03.2015 cannot sustain simply for the reason that *Aabadi* land is always kept out of the consolidation proceedings and in that view of the matter no valuation can be fixed. Only the land holdings of the tenure holder are subject to the consolidation operation, wherein, the valuation of the land is also fixed.



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8. Accordingly, the writ petition is allowed. Order dated 11.01.2001 passed by learned Settlement Officer of Consolidation, Haridwar Camp Roorkee, in Appeal No.1358 *Jagpal Singh Vs. State*, and order dated 13.03.2015 passed by learned Revisional Authority i.e. Deputy Director of Consolidation/Additional Collector, Haridwar, are hereby set aside.

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

(Pankaj Purohit, J.)
18.12.2025

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