

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No.698 of 2015

29th December, 2025

Ramkali and others

--Petitioners

Versus

State of Uttarakhand and others

--Respondents

Presence:-

Mr. Kirti Sharan Aggarwal, learned counsel for the applicant.

Mr. S.K. Nainwal, ld.S.C. for the State/respondent nos.1 to 3.

None for respondent no.4.

Hon'ble Pankaj Purohit, J.

Petitioner has sought quashing of order dated 13.03.2013 passed by the District Deputy Director of Consolidation/Collector, U.S. Nagar (Annexure No.4) in Revision No.52/04 year 2011-2012 whereby the revision petition filed by the State was allowed and the judgment and order dated 21.02.2000 passed by the Consolidation Officer, Kichha in Case No.237 of 1999-2000 u/s 9A(2) of U.P. Consolidation of Land Holdings Act has been set aside and the land is directed to be registered in the name of the State Govt.

2. The aforesaid order was put to challenge by the petitioners, the legal representatives of respondent no.2 Uttam Prasad, mainly on the ground that the order has been passed without impleading the petitioners as party respondents in the said revision in view of death of Uttam Prasad S/o Asha Ram , in whose favour the order dated 21.02.2000 was passed. It is contended by learned counsel for the petitioner that Uttam Prasad has expired on 25.05.2004 while the order dated 21.02.2000 was challenged before the Dy. Director of Consolidation/D.M. U.S. Nagar in Revision No.52/04

year 2011-2012, and that too, without impleading the legal heirs of Uttam Prasad as party respondents in the said revision. He further submits that the legal heirs of Uttam Prasad have already been recorded in the Khatauni. The main contention of learned counsel for the petitioners is that the order impugned in the present revision has been passed against a dead person and that too without giving any opportunity of hearing to the legal heirs of Uttam Prasad.

3. Per contra, learned State counsel submits that summons were issued in the revision against respondent no.1-Bhupal Singh as well as against respondent no.2-Uttam Prasad S/o Asha Ram but the fact of death of Uttam Prasad has not been brought in the notice of Dy. Director of Consolidation/Collector, U.S. Nagar by the petitioners and now they are challenging the order by filing the present revision.

4. Having heard learned counsel for the parties and perusal of the record, this Court is of the view that the order impugned in the present petition is against the law and liable to be set aside. No notice can be served upon a dead person.

5. Accordingly, the petition is allowed. Judgment and order dated 13.02.2013 passed by the District Deputy Consolidation Officer/Collector, U.S. Nagar in Revision No.52/04 year 2011-2012 is hereby set aside. The matter is remanded to the said authority to decide it afresh after affording the opportunity of hearing to the petitioners also who are legal heirs of late Uttam Prasad S/o Asha Ram in accordance with law. No order as to costs.

6. Pending application, if any, stands disposed of

accordingly.

(Pankaj Purohit, J.)
29.12.2025

Rdang