



2025:UHC:11602

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/ 3577/ 2025</u> With <u>WPMS/ 3578/ 2025</u> <u>WPMS/ 3579/ 2025</u> <u>WPMS/ 3580/ 2025</u> <u>WPMS/ 3581/ 2025</u> <u>WPMS/ 3582/ 2025</u> <u>WPMS/ 3583/ 2025</u> <u>WPMS/ 3584/ 2025</u> <u>WPMS/ 3585/ 2025</u> <u>WPMS/ 3586/ 2025</u> <u>WPMS/ 3587/ 2025</u> <u>WPMS/ 3588/ 2025</u> <u>WPMS/ 3589/ 2025</u> <u>WPMS/ 3590/ 2025</u> <u>WPMS/ 3591/ 2025</u> <u>WPMS/ 3592/ 2025</u> <u>Hon'ble Manoj Kumar Tiwari, J</u> 1. Mr. Atul Kumar Bansal, learned counsel for the petitioners. 2. Mr. Suyash Pant, learned Standing Counsel for the State of Uttarakhand. 3. Since common questions of fact and law are involved in these petitions, therefore, these petitions are clubbed together and decided by this common judgment. However, for the sake of brevity and convenience, facts of WPMS No. 3577 of 2025 alone are being considered and discussed. 4. According to 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.



		5. 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 non-transferable right. Section 131(d) of the aforesaid Statute is quoted below:- “131. Bhumidhar with non-transferable 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.” 6. Learned State Counsel, however, refers to Annexure no. 4 to the writ petition, where allotment order, issued in favour of petitioner, is enclosed. In the said document, reference is made to Section 25 of U.P. Imposition of Ceiling on Land Holdings Act, 1960 for making allotment. 7. 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
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the order of preference, and subject to the limits, specified respectively in 3 sub-sections (1) and (3) of Section 198 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.”

8. 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. He further submits that if petitioners make representation(s) to the Competent Authority for correcting the provision, which was invoked for allotting land in favour of petitioner, then the Competent Authority shall examine the issue and pass necessary order, as per law, as early as possible.

9. The writ petitions are, accordingly, disposed of with liberty to petitioners to make separate application(s) to District Magistrate, Udham Singh Nagar, for correcting the provision invoked for allotting land to them. If such representation(s) 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.

(Manoj Kumar Tiwari, J)
24.12.2025



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