



2026:UHC:3165-DB

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>SPA / 44 / 2026</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Siddhartha Sah, J.</u> <u>Per – Manoj Kumar Tiwari, J.</u> Mr. Akshay Pradhan, Advocate for the appellant through video conferencing. Mr. Yogesh Chandra Tiwari, Standing Counsel for the State. 2. This Intra-court appeal is directed against the judgment and order dated 16.02.2026, rendered by learned Single Judge in Writ Petition No. 347 of 2026 (MS). By the said judgment, writ petition filed by appellant was dismissed. Operative portion of the said judgment is reproduced below: “3. It is contended by learned counsel for the petitioner that though the record was summoned by Tehsildar from the record room, but the report was that the record has already been weeded out. Still, the name of Smt. Sudeshna and Smt. Sushma was recorded. Alleging the corruption, a complaint dated 17.12.2025 was moved by petitioner before the learned District Magistrate, Haridwar. By the present writ petition, petitioner wants the respondent No.1- District Magistrate, Haridwar, to take action on the said complaint. 4. I have perused the impugned order dated 14.11.2025 passed by learned Tehsildar, Tehsil Laksar, District Haridwar. This is the order passed by Tehsildar, Laksar in discharging of duties as Tehsildar, Laksar. Against this order, the legal remedies are available to the petitioner to move an Appeal or Revision before the Court of competent jurisdiction, which according to the learned counsel for petitioner is still pending before the Competent Authority. 5. In such view of the matter, the present writ petition appears to be misconceived and appears to have been filed to harass the respondent No.2- Tehsildar. No interference is warranted. 6. Accordingly, the present writ petition is accordingly dismissed in-limine. 3. Learned counsel for the appellant submits that appellant's name was mutated in revenue records in respect of land comprised in Khata No. 137, Khasra No. 177/1, situate in village Husainpur, Pargana Mangalore,



		Tehsil Laksar, District Haridwar: however, his name was expunged from revenue record on an application under Section 201 of Land Revenue Act, 1901 filed by Smt. Sudheshna wife of Sadhuran and Smt. Sushma wife of Rajendra. 4. By means of the writ petition, petitioner/appellant sought a direction to the District Magistrate, to take decision on the complaint made by him against the then Tehsildar, who passed the order under Section 201 of Land Revenue Act. 5. Learned Single Judge dismissed the writ petition by holding that since there is statutory remedy of appeal as well as revision against the order of Tehsildar and since appellant has availed the remedy of appeal, therefore, direction as sought in the writ petition, cannot be issued. 6. It was further observed by learned Single Judge that writ petition appears to be aimed at harassing the then Tehsildar. Learned counsel for the appellant submits that Tehsildar cannot claim any immunity, for passing illegal order; and he must be subjected to disciplinary action for wrongly passing an order and petitioner had simply sought a direction to the competent authority to take necessary action in the matter. 7. We are not impressed by the submission made by learned counsel for the appellant. Section 201 of Uttarakhand Land Revenue Act, 1901 reads as under: “201. No appeal from orders passed ex parte or by default. - No appeal shall lie from an order passed under Section 200 ex parte or by default. Re-hearing on proof of good cause for non-appearance. - But in all such cases, if the party against whom judgment has been given appears either in person or by agent (if a plaintiff, within fifteen days from the date of such order, and if a defendant, within
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fifteen days after such order has been communicated to him, or after any process for enforcing the judgment has been executed or at any earlier period), and shows good cause for his non-appearance, and satisfies the officer making the order that there has been a failure of justice, such officer may, upon such terms as to costs or otherwise as he thinks proper, revive the case and alter or rescind the order according to the justice of the case.

Order not to be altered without summons to adverse party. - Provided that no such order shall be reversed or altered without previously summoning the party in whose favour judgment has been given to appear and be heard in support of it."

8. Reading of Section 201 reveals that an order passed ex parte under Section 200 would not be appealable and an aggrieved party can seek re-hearing in the matter by showing good cause for his non appearance.

9. The persons making application under Section 201 had pleaded that notice of proceedings was not served upon them, therefore, they had a statutory right to claim re-hearing of the matter. Tehsildar appears to have granted re-hearing to the persons who were aggrieved by the ex-parte order.

10. Appellant has challenged the order passed by Tehsildar in appeal. Since appellate authority is seised of the matter, therefore, directing District Magistrate to hold disciplinary enquiry against the Tehsildar would be unwarranted. Learned Single Judge was thus right in dismissing the writ petition.

11. Thus, we do not find any scope for interference in the matter. Special Appeal fails and is dismissed.

(Siddhartha Sah, J.) (Manoj Kumar Tiwari, J.)
27.04.2026



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