



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/2006/2026</u> Jyoti Panwar --Petitioner Versus Rashika Sharda --Respondent <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Sagar Kothari, Advocate for the petitioner. 2. In this petition filed under Article 227 of the Constitution of India, petitioner has sought the following relief: “Issue an appropriate order or direction, setting aside the impugned judgment & order dated 11.06.2026 passed by the learned Board of Revenue, Uttarakhand, Dehradun in Revision No. 97 of 2025-26 ‘Col. Rashika Sharda Vs. Km. Jyoti Panwar’ (Annexure No. 5 to this writ petition) page no. 42 to 45.” 3. Respondent purchased a piece of land admeasuring 0.0752 hectare situate in village Saliyanwala, Pargana Pachwadun, District Dehradun from petitioner by a registered sale deed dated 22.01.2021. Respondent thereafter applied for mutation, vide order dated 22.09.2021, her application was allowed by Tehsildar, Vikasnagar. Petitioner moved an application under Section 201 of Land Revenue Act along with application seeking condonation of delay of nearly five years. Tehsildar, vide order dated 08.05.2026 stayed his earlier order of mutation and restrained respondent from transferring the land or raising construction thereupon. This order



		was passed by Tehsildar without any notice to respondent. 4. Feeling aggrieved by order dated 08.05.2026, respondent filed revision which was allowed by learned Board of Revenue, Uttarakhand vide judgment dated 11.06.2026; order passed by Tehsildar dated 08.05.2026 was set aside and the matter was remitted back to Tehsildar to consider petitioner's delay condonation application after inviting objection from the respondent, before considering the application filed by petitioner under Section 201 of Land Revenue Act. 5. In this petition, petitioner has challenged the judgment rendered by learned Board of Revenue on the revision petition filed by respondent. 6. This Court do not find any reason to interfere in the matter. 7. Learned Board of Revenue has given valid reason for allowing the revision petition. Mutation application filed by respondent was allowed by Tehsildar and pursuant to said order passed on 22.09.2021, name of respondent was entered as <i>bhumidhar</i> in revenue record and restoration application was filed by petitioner under Section 201 of Land Revenue Act, after nearly five years, therefore without service of notice upon respondent, order of mutation passed in her favour could not have disturbed. Even otherwise also, Tehsildar while
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		exercising power under Section 201 cannot injunct a party from raising construction over the land which is mutated in his name. 8. Learned Revisional Court has held that order dated 08.05.2026 was passed by Tehsildar without considering the petitioner's prayer for condonation of delay. Learned Board of Revenue was justified in setting aside the order passed by Tehsildar on the restoration application and remitting the matter back to Tehsildar to first consider delay condonation application. 9. Section 201 of 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 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. 10. Careful perusal of Section 201 reveals that a party against whom order has been passed ex parte may file an application seeking re-hearing, within
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		fifteen days from the date such ex parte order is communicated to him or the process for enforcing judgment has been executed. 11. Section 201 unequivocally provides that order passed ex parte shall not be reversed or altered without previously summoning the party in whose favour judgment was given. Order dated 08.05.2026 was passed by Tehsildar without notice to respondent, and Tehsildar also had no jurisdiction to pass such order which was in the nature of injunction. 12. Perusal of application filed by petitioner under Section 201 reveals that the only ground taken is that she did not receive the sale consideration. Tehsildar, while considering the application is not competent to examine the issue as raised by petitioner. If what petitioner alleged in her application is correct, then she can institute money recovery suit and if maintainable, suit for cancellation of sale deed. However, petitioner cannot question mutation of respondent's name in revenue record on the strength of sale deed executed in her favour. Mutation neither creates nor extinguishes title and it is made only for the purpose of collection of land revenue. Title dispute cannot be resolved in mutation proceedings which are summary in nature and order of mutation do not affect adjudication of title dispute by competent court of law in a regular suit. Section 40-A of Land Revenue Act, 1901 is categorical on that point.
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