

**HIGH COURT OF UTTARAKHAND AT NAINITAL****HON'BLE SHRI JUSTICE MANOJ KUMAR TIWARI****Writ Petition Misc. Single No. 2525 of 2025****11 August, 2026**

Mohan Chandra Sati & others

--Petitioners

Versus

State of Uttarakhand and others

--Respondents

Presence:-

Mr. Dushyant Mainali, Advocate for the petitioners.

Mr. Sudhir Kumar Nailwal, Standing Counsel for the State of Uttarakhand.

JUDGMENT

1. Petitioners have challenged the order dated 12.05.2023, passed by District Magistrate, Nainital, which is on record as Annexure-1 to the writ petition, whereby their unauthorized occupation over Category-IV land to the extent of 0.703 hectare alone was regularized and their claim for regularization *qua* land comprised in Khata No. 888/1 admeasuring 0.515 hectare and Khata No. 889/4/1 admeasuring 0.879 hectare was disallowed.

2. Learned counsel for the petitioners submits that the revenue authorities found possession of the petitioners over Category-IV land comprised in Khasra No. 888/1, 889/4/1 admeasuring 1.115 hectare, therefore, petitioners' were entitled for regularization of the entire land. He further submits that petitioners were asked to deposit compensation for entire 1.115 hectare land, therefore, regularizing only part of the land is



unjust and unsustainable. He further submits that the order passed by District Magistrate on petitioners' application was not communicated to them and petitioners had to apply under Right to Information Act to get copy of that order.

3. Learned State Counsel, however, refers to a document enclosed as Annexure-11 to the writ petition, which is a report submitted by Revenue Inspector and Revenue Sub Inspector to Tehsildar, for contending that petitioners were not found in possession over land comprised in Khasra No. 888/1 admeasuring 0.515 hectare. He submits that benefit of Government policy, which provides for regularization of unauthorized possession, was given to petitioners, qua the land over which they were found in possession. He submits that the policy provides that long continuous cultivatory possession over Category-IV land may be regularized provided the person concerned meets necessary eligibility conditions and also deposits the requisite amount as per Policy.

4. The report dated 27.07.2021 submitted jointly by Revenue Sub Inspector and Revenue Inspector clearly shows that petitioners were found in possession over part of the land for which they had applied. As per Government policy, Category-IV land found in long unauthorized cultivatory possession of an individual alone can be regularized. Thus, burden was upon the petitioners to prove their long possession over the remaining land, but they could not substantiate their claim of long cultivatory possession.



5. Thus, this Court do not find any reason to interfere with the order passed by District Magistrate.

6. Learned counsel for the petitioners relied upon a certificate issued by Tehsildar, Kaladhungi for contending that petitioners were found in possession over the entire land.

7. Since the report enclosed as Annexure-11 is submitted by Revenue Sub Inspector and Revenue Inspector which is based on spot inspection by field level authorities, therefore, this Court do not find any valid reason to disbelieve that report. The report relied by petitioners is based on documents alone, without any spot inspection.

8. This Court in the case of Karnail Singh and another v. State of Uttarakhand and others (WPMS/2056/2023), while dealing with identical issue held that correctness of report submitted by revenue authorities cannot be gone into in proceedings under Article 226 of the Constitution.

9. Thus, there is hardly any scope for interference. The writ petition fails and is dismissed. Petitioners contend that they deposited compensation for regularizing the entire land, whereas regularization was granted *qua* a portion of that land, therefore, they shall be entitled to seek refund of the excess compensation, which is lying unused with the District Magistrate.

(Manoj Kumar Tiwari, J.)

11 August, 2026

Navin

NAVEEN CHANDRA

Digitally signed by Naveen Chandra, DN: cn=Naveen Chandra, o=UK High Court, email=naveen.chandra@ukhc.gov.in, c=IN