



HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE SRI JUSTICE MANOJ KUMAR TIWARI

Writ Petition Misc. Single No. 2287 of 2026

31 July, 2026

Pradeep Kharbanda and another

--Petitioners

Versus

State of Uttarakhand
through Collector, Almora

--Respondent

Presence:-

Mr. Anil Kumar Joshi, Advocate for the petitioners.

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

1. Petitioners have challenged order dated 20.07.2026, passed by Assistant Collector, First Class, Ranikhet, Almora, in proceedings under Section 167 of Zamindari Abolition and Land Reforms Act, 1950 (hereafter referred to as 'ZA&LR Act'). By the said order, the objection raised by petitioners to maintainability of the proceedings was rejected.

2. In their objection, petitioners contended that since a declaration under Section 143 of ZA&LR Act was made by Assistant Collector, First Class, Ranikhet in respect of land in question on 09.08.2011, therefore, no proceedings can be initiated thereafter under provisions of ZA&LR Act.

3. Learned counsel for petitioners contended that petitioners purchased the land in question by means of two separate sale deeds executed on



15.12.2020 and 23.08.2025 and the total holding of petitioners is 250 square meters only.

4. Learned State Counsel, however, submits that by Uttarakhand Act no. 25 of 2005, sub-section (2) of Section 143 of ZA&LR Act was amended and in place of the expression “other than this section”, the following expression was added:-

“other than this section and provisions of the Uttaranchal (The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) (Adaptation and Modification Order, 2001) (Amendment) Act, 2003, effective from 15.01.2004”.

5. Learned State Counsel further submits that sub-section (3) & sub-section (4) of Section 154 of Zamindari Abolition and Land Reforms Act were also amended by Uttaranchal Act No. 29 of 2003 w.e.f. 15.01.2004, and as per the said amendment, a person if he does not own any immovable property in Uttarakhand may purchase land not exceeding 250 square meters for residential purpose. He submits that a complaint was received that petitioners are using the property in question for running a home-stay, thus, they were using the property for commercial purpose and not for residential purpose, therefore, proceedings were initiated under Section 167 of ZA&LR Act.

6 Learned counsel for petitioners, however, disputes the submission made by learned State Counsel that petitioners are using the property not for residential purpose, but, for commercial purpose.



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7. This Court finds substance in the submission made by learned State Counsel that the writ petition is premature, as the rights and liabilities of petitioners are yet to be determined; by the order impugned, the objection raised by petitioner regarding maintainability of proceedings alone was considered and rejected.

8. Since petitioners have every opportunity to raise all contentions before the Assistant Collector in the pending proceedings, therefore, any interference with the order impugned, at this stage, would not be desirable.

9. Accordingly, the writ petition fails and is dismissed. However, petitioners shall be at liberty to raise all the contentions before the Assistant Collector. In case, the proceedings are decided against petitioners, it shall be open to them to question the jurisdiction of Assistant Collector to decide the matter while challenging the final order.

(Manoj Kumar Tiwari, J.)

31 July, 2026

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