



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/2400/2026</u> Madhukar Walia --Petitioner Versus Smt Gurdeep Jaiwal Deceased --Respondent With WPMS No. 2399 of 2026 <u>Hon'ble Manoj Kumar Tiwari, J</u> 1. Mr. Arun Pratap Shah, learned counsel for the petitioners. 2. Since common questions of law and fact are involved in both the petitions, therefore, they are being heard and decided together. However, for the sake of brevity and convenience, facts of WPMS No. 2400 of 2026 alone are being considered and discussed. 3. Respondent no. 1 filed a Civil suit for permanent injunction in the year 1991 in the court of 4th Additional Civil Judge (S.D.), Dehradun. Plaint of that suit was returned by trial court for presentation before appropriate court vide order dated 01.08.2015, on the ground that property in question is agricultural land and the suit is barred by Section 331 of UPZA & LR Act, 1950. 4. Plaintiff (<i>respondent no. 1 herein</i>) filed miscellaneous civil appeal, against trial court's order dated 01.08.2015, which was allowed by learned First Additional District Judge, Dehradun vide



		judgment dated 24.01.2026 and the matter was remitted back to the trial court to decide the issue regarding jurisdiction by following the procedure prescribed under Section 331A of UPZA&LR Act. This order passed by Appellate Court is challenged in this petition. 5. On the last occasion, learned counsel for the petitioner contended that the procedure prescribed under Section 331A of UPZA&LR Act was already followed and the issue regarding jurisdiction was decided, on the basis of finding returned by Assistant Collector 1st Class, that only a small portion of the land in dispute is used for agriculture and the remaining land is not used for agricultural purposes. Thus, it was contended that learned Appellate Court erred in law in remitting the matter back to trial court for decision afresh when the procedure laid down in Section 331A of UPZA&LR Act was earlier followed. It was further contended on behalf of petitioner that the finding returned by Assistant Collector on the question whether the land is being used for agriculture or not, attained finality as no appeal was filed against that finding. 6. Perusal of the judgment rendered by Appellate Court, however, revealed that Board of Revenue in Revision No. 187 of 2014-15 reversed the finding returned by Assistant Collector and the matter was remitted back to Assistant Collector, for decision afresh and Assistant Collector is yet to return finding on that issue remitted to him by the court of learned Civil Judge.
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			7. Mr. Arun Pratap Shah, learned counsel appearing for the petitioner today submitted that he was not aware about reversal of finding returned by Assistant Collector under Section 331A of UPZA&LR Act. He tendered apology for this omission on his part, which led to wastage of precious judicial time of the court. 8. Having regard to the apology tendered by learned counsel, this Court is refraining from passing any adverse order; however, learned counsel is advised to be careful in future. 9. On the oral prayer made by learned counsel for the petitioners, the petitions are dismissed as withdrawn. No order as to costs. (Manoj Kumar Tiwari, J) 17.08.2026 Aswal
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