



2026:UHC:1027-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL
HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

17TH FEBRUARY, 2026

SPECIAL APPEAL No. 290 OF 2025

Abdul Gaffar....Appellant

Versus

Kalemata and others....Respondents

Counsel for the appellant : Sri Parikshit Saini, learned counsel.

Counsel for the respondents : Sri A.K. Sharma, learned counsel for respondent Nos. 1 to 5.

JUDGMENT : (Per Sri Manoj Kumar Gupta, C.J.)

1. Heard Sri Parikshit Saini, learned counsel for the appellant and Sri A.K. Sharma, learned counsel for private respondent Nos. 1 to 5.

2. The facts and circumstances leading to filing of the instant Appeal have been mentioned by the Coordinate Bench in its order dated 09.12.2025 while admitting the Appeal and granting interim order in favour of the appellant. To avoid repetition, the said order is being reproduced below:-

"Mr. Parikshit Saini and Ms. Shazia Siddiqui, Advocate for the appellant.

Mr. Arvind Kumar Sharma, Advocate for respondent nos.1 to 5.

Mr. Yogesh Chandra Tiwari, Standing Counsel for the State/respondent nos.6 to 8.

The challenge is made to the Writ Court's Order dated 17.09.2024 and 13.08.2025, passed in WPMS No.2495 of 2024,



Kalemata and others Vs. District Magistrate, Haridwar and others ("the first petition"). By the order dated 17.09.2024, learned Single Judge had directed the SDM, Roorkee, District Haridwar to conduct measurement of Khasra No.511, admeasuring 1.1259 Hectare of Khata No.383, Village Kishanpur Jamalpur, Pargana and Tehsil Roorkee, District Haridwar within a stipulated period. This judgment and order dated 17.09.2024 was challenged by the appellant in Special Appeal No.320 of 2024, Abdul Gaffar Vs. Kalemata and others, which was decided on 11.03.2025, giving liberty to the appellant to seek review of the order dated 17.09.2024. The petitioner did file review application in the first petition, which was dismissed by order dated 13.08.2025 on the ground that the petitioner has not been a party to the first petition.

Heard learned counsel for the parties and perused the record.

Leave granted.

Admit.

Learned counsel for the appellant would submit that there is a dispute with regard to the correction of entry qua 1.129 Hectare. He would submit that consolidation proceedings have already been over. Subsequently, an application was filed, in which, the concerned Consolidation Officer had passed an order for correction of entries, which was challenged in appeal before the Settlement Officer Consolidation. In the appeal, the order passed by the Consolidation Officer was stayed, against which, the revision filed by the respondent has already been dismissed. The respondent challenged it in the Writ Petition (M/S) No.2337 of 2024, Umesh Karnwal and others Vs. Abdul Gaffar and others ("the second petition"), which is still pending in the Court. He submits that the first petition was filed simpliciter for measurement.

Learned counsel for the appellant would submit that the first petition was filed without making reference to the proceedings pending before the Consolidation Officer or in the second petition. Since the order of making correction of entry is pending under Section 11 of the Uttar Pradesh Consolidation of Holding Act, 1953 and the second petition with regard to those orders passed in the consolidation courts are already pending, simpliciter order for measurement could not have been made without implicating the appellant as a party.

Learned counsel for the respondents submits that consolidation proceedings have already been closed on 18.07.2025.

Learned counsel for the respondents very fairly concedes that the second petition has been filed by the appellant. He submits that no interim order may be passed in this matter.

Admittedly, by filing the first petition, the respondent did not make any mention of the second petition or the proceedings that were pending for consolidation.

Having considered, this Court is of the view that this matter requires deliberation.

List on 16.03.2026.



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Having considered, till the next date of listing, the effect and operation of the impugned orders dated 17.09.2024 and 13.08.2025, shall remain in abeyance.

Application for Leave to Appeal (IA) No.1 of 2025, stand allowed accordingly.

Stay Application (IA) No.2 of 2025 stands disposed of accordingly.

Urgency Application (IA) No.3 of 2025, stands disposed of.”

3. It is not disputed by Sri A.K. Sharma, learned counsel for the private respondents that the private respondents had filed Writ Petition (M/S) No. 2337 of 2024 against the order passed in the revision staying the order of the Consolidation Officer in respect of correction of entries in the revenue records in course of the consolidation proceedings. The said fact was not disclosed in the subsequent writ petition filed by the private respondents, wherein the learned Single Judge issued direction for measurement. It is also not disputed that the appellant was not made party in the said writ petition.

4. Sri A.K. Sharma, learned counsel appearing for the private respondents having regard to the said undisputed position, does not oppose the instant Appeal.

5. Accordingly, the Appeal is allowed. The order dated 17.09.2024 passed by the learned Single Judge in Writ Petition (M/S) No. 2495 of 2024 is set aside. Writ Petition (M/S) No. 2495 of 2024 shall stand dismissed.

6. As prayed by Sri A.K. Sharma, learned counsel for the private respondents, liberty is granted to him to file an appropriate application for early listing of Writ Petition (M/S) No. 2337 of 2024.



7. Pending application, if any, also stands disposed of accordingly.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 17th February, 2026
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SINGH
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Digitally signed by PRAVINDRA SINGH RATHOUR
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