



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/3597/2025</u> Harimohan Gulhati & Ors. --Petitioners Versus Govind Prasad --Respondent <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Aditya Singh, Advocate, for the petitioners. Mr. Prashant Trivedi, Advocate, for the caveator. (2) Petitioner is challenging order dated 15.12.2025, passed by Board of Revenue, Uttarakhand in Revision No. 03 of 2025-26. By the said order, petitioners' revision petition, filed under Section 219 of Land Revenue Act, was dismissed as not maintainable, by relying upon para 20 of the judgment rendered by a Single Judge of Hon'ble Allahabad High Court in Writ-B No. 1831/2019. Para 20 of the said judgment is reproduced below: <i>"20. In the clear opinion of this Court, on a reading of the provisions of Section 219(1) of the Land Revenue Act, the Board would have no jurisdiction to entertain this Revision at the instance of Keshav Prasad, who has already availed his remedy of Appeal before the Commissioner from the order of the Sub-Divisional Officer, under Section 41 of the Act. The proceedings in Revision before the Board of Revenue are, therefore, held to be absolutely without jurisdiction."</i> (3) Learned Counsel for the petitioners submits that the aforesaid paragraph of the judgment was wrongly reproduced and the expression "availed" was omitted while reproducing that paragraph by the Board of Revenue in the



			impugned order. It is contended that remedy of revision would be barred for a party who has availed remedy of appeal and since petitioners had not availed remedy of appeal, therefore, revision filed by them was maintainable. Reliance is placed on Section 219 of the Land Revenue Act, which is reproduced below: “219. Revision.—(1) <i>The Board or the Commissioner or the Additional Commissioner or the Collector or the Record Officer, or the Settlement Officer, may call for the record of any case decided or proceeding held by any revenue court subordinate to him in which no appeal lies or where an appeal lies but has not been preferred, for the purpose of satisfying himself as to the legality or propriety of the order passed or proceeding held and if such subordinate revenue court appears to have-</i> (a) <i>exercised a jurisdiction not vested in it by law, or</i> (b) <i>failed to exercise a jurisdiction so vested, or</i> (c) <i>acted in the exercise of jurisdiction illegally or with material irregularity,</i> <i>the Board or the Commissioner or the Additional Commissioner or the Collector or the Record Officer, or the Settlement Officer, as the case may be, may pass such order in the case as he thinks fit.</i> (2) <i>If an application under this section has been moved by any person either to the Board, or to the Commissioner, or to the Additional Commissioner, or the Collector or to the Record Officer or to the Settlement Officer, no further application by the same person shall be entertained by any other of them.”</i> (4) This Court finds substance in the submission made by learned Counsel for the petitioners. A revision under Section 219(1) of Land Revenue Act would lie in cases where either no appeal lies or even in cases where an appeal lies but has not been preferred. Order passed by Assistant Collector in proceedings under Section 41 of Land Revenue Act was appealable under
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Section 210/11 of Land Revenue Act, however, since petitioners did not prefer appeal under Section 210/11 of Land Revenue Act, therefore, the revision filed by them cannot be held to be not maintainable, merely because they had a remedy of appeal and petitioners can be deprived of availing the remedy of revision only if they have availed remedy of appeal. Since petitioners did not file any appeal, therefore, Board of Revenue was not justified in dismissing their revision.

(5) Accordingly, writ petition is allowed and the impugned order dated 15.12.2025 is set aside. Revision filed by petitioners is restored to the file of Board of Revenue and the same shall be decided on merits. For a period of three months, status quo shall be maintained by the parties.

(Manoj Kumar Tiwari, J.)
13.7.2026

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