SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			UKHC010018002026 **WPMS/284/2026** Satya Narain Singh --Petitioner **Versus** State Of Uttarakhand and others --Respondents **Hon'ble Siddhartha Sah, J.** Mr. S.C. Burman, learned counsel for the petitioner. 2. Mr. Rakesh Kumar Panwar and Mr. K. S. Mehta, learned Addl. C.S.C. for the State. 3. By means of the present petition, the petitioner has challenged the judgment and order dated 12.04.2023 passed by respondent no. 2, i.e., the Additional Commissioner, Garhwal Mandal, Pauri, in Revision No. 12/2014-15, titled *"Shri Javinder Ghai Vs. Shri Satyanarin Singh"* (Annexure No. 4 to this writ petition). 4. The facts of the case, as borne out from record, are as follows: 5. One Smt. Gunwanti Ghai filed a mutation case before the court of the Tehsildar, Dehradun, on the basis of a sale deed dated 10th August, 2009. The said mutation case was allowed by the Tehsildar, Dehradun, vide order dated 30th November, 2009. After a delay of five years, on 17th January, 2015, a restoration application was filed by one Rishabh Kumar against the

			mutation order. 6. The said restoration application was not accompanied by any application for condonation of delay. However, the trial court stayed the effect of the mutation order dated 30th November, 2009, by virtue of an order dated 27th January, 2015. 7. Aggrieved by the order dated 27th January, 2015, Javinder Ghai, filed a revision, which was allowed by the Additional Commissioner, Garhwal Mandal, Pauri, vide judgment dated 12th April, 2023, on the ground that the restoration application filed by Rishabh Kumar after a delay of five years was not accompanied by any application under Section 5 of the Limitation Act and that no opportunity of hearing had been afforded to the revisionist, Javinder Ghai. 8. Vide judgment and order dated 12th April, 2023, Revision No. 12 of 2014-15 was allowed, and the order dated 27th January, 2015, passed by the lower court, was set aside. The lower court was further directed to hear the restoration application on the question of delay and thereafter decide the mutation case on its own merits. It was also directed that, till the decision on the restoration application, the parties shall maintain status quo at the spot. 9. Aggrieved by the said order, the present petition has been filed. 10. Learned counsel for the petitioner submits that the sale deed itself was executed on the basis of a fake power of attorney in the name of Mr. Ram Ashray S/o Gajadhar Prasad, and, as such, the mutation itself was bad at its inception. He further submits that the petitioner

			is apprehensive that the nature of property may be changed. In view of the direction to maintain status quo at the spot, neither of the parties should be permitted to raise any construction. 11. Learned counsel for the State submits that the revision was only partly allowed and the matter was remanded. As such, the present petition is not maintainable. Moreover, the petition arises out of proceedings under Section 34 of the Land Revenue Act, and, on this ground also, the petition may not be entertained. 12. Having heard learned counsel for the parties and upon perusal of the record, it is evident that the impugned order dated 12th April, 2023, is merely a remand order whereby the trial court has been directed to first hear the parties on the issue of delay and thereafter decide the case on its own merits. It has also been directed that, till the decision on the restoration application, the parties shall maintain status quo at the spot. The said order does not affect the rights of any party. Therefore, in view of the above, the impugned order does not warrant any interference and the writ petition deserves to be dismissed. 13. The writ petition is accordingly dismissed. **(Siddhartha Sah, J.)** 03.11.2026 BS