SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			SPA/27/2023 Sudhir Kumar Windlass --Appellant **Versus** Board Of Revenue Uttarakhand and others --Respondents **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** 1. None is present for the petitioner. 2. Mr. G.D. Kandpal, learned Additional Advocate General for the State/respondent nos. 1 to 3. 3. This *intra court* appeal is directed against the final order dated 25.01.2023 passed by learned Single Judge in Writ Petition No. 267 of 2023. The order passed by learned Single Judge is reproduced below:- *"Mr. Arvind Vashistha, Senior Advocate assisted by Mr. Vikas Bahuguna, Advocate for the petitioner.* *Mr. Ajay Singh Bisht, Standing Counsel for the State.* *The provisions contained under Section 41 of the Land Revenue Act are summary proceedings, which itself contemplates a procedure for eviction, based upon the orders to be passed on it. Any orders, which are passed under Section 41 of the Act, are subject to the provisions contained under Section 40-A of the Act.* *It is an admitted case of the present petitioner that the proceedings under Section 229-B of the U.P. Zamindari Abolition and Land Reforms Act, at his behest, is pending consideration.* *Since being a regular proceedings falling within the domain of Section 40-A of the Act, the petitioner is directed to proceed with the said case under Section 229-B of the Act and press his application under Section 229-D of the Act for a period of one month only. The eviction proceedings, in pursuance to Section 41 (2) of the Act, will not be given effect to.* *Subject to the aforesaid, the writ petition stands disposed of."*

4. The appellant, in his writ petition, challenged the communication/letter dated 04.01.2023 issued by Chairman, Board of Revenue, Uttarakhand to the District Magistrate, Dehradun. By that letter, District Magistrate was directed to remove encroachment made by the appellant over State land as well as the land which was allotted to Colonel Soban Singh Danu, a physically challenged ex-army person. Before the Writ Court, appellant contended that he has filed a suit for declaration under Section 229-B of U.P. Zamindari Abolition and Land Reforms Act, and further that he has perfected titled by virtue of Section 209 and 210 of the said Act.

5. Learned Single Judge disposed of the writ petition by holding that, if petitioner is in any manner aggrieved, he can move application seeking temporary injunction under Section 229-D of the said Act in the pending suit.

6. The view taken by learned Single Judge cannot be faulted. Whether appellant has perfected title over the land in question by adverse possession, is an issue, which cannot be decided in a writ petition and can only be decided in the pending declaratory suit filed under Section 229-B of the Act.

7. Learned Single Judge was, therefore, justified in disposing of the writ petition, with liberty to the appellant to file application under Section 229-D of Zamindari Abolition and Land Reforms Act. Thus, there is hardly any scope for interference in the matter. The Special Appeal fails and is accordingly dismissed.

(Subhash Upadhyay, J.) 05.11.2026

(Manoj Kumar Tiwari, A.C.J.) 05.11.2026

Rajni/KK