HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No.3394 of 2026

03rd November, 2026

Shamsheer Ali .....Petitioner

Versus

State of Uttarakhand and others .....Respondents

Presence:-
Mr. Akhil Kumar Sah, learned counsel for the petitioner.
Mr. Tarun Mohan, learned B.H. for the State.

Hon'ble Pankaj Purohit, J.

The petitioner, by means of the present writ petition, seeks a direction to respondent no.2, District Magistrate, Dehradun, to decide the transfer application dated 13.10.2026, filed by the petitioner before him and annexed as annexure no.3.

2. It is contended by learned counsel for the petitioner that a notice under Section 211 of the U.P. Zamindari Abolition and Land Reforms Act, 1950 (hereinafter referred to as the "Act of 1950") was issued to the petitioner and others by the learned Assistant Collector, First Class, Tuni, District-Dehradun, calling upon the petitioner and others to show cause as to how they came into possession of the land bearing the Khasra number(s) mentioned in the said notice and to submit reply thereto on or before 16.10.2026. It was further stated in the notice that, in the event of failure to submit a reply within the stipulated period, it would be presumed that the land belonging to the Scheduled Caste/Scheduled Tribe category had been illegally occupied, whereupon proceedings under Section 211 of the Act of 1950 would be initiated.

3. Learned counsel for the petitioner submits that pursuant to aforesaid notice the petitioner wants to appear

before the learned Assistant Collector, Ist Class, Tuni, District-Dehradun on 16.10.2026, but the respondent no.4-Rakesh Tomar 'Uttarakhandi' s/o Kheel Singh r/o Gram Badwala, Police Station-Vikasnagar, District-Dehradun is creating obstruction for the petitioner to appear before the court pursuant to aforesaid notice. Somehow the petitioner appeared before the court but the Presiding Officer was not there. He further submits that no Advocates are ready to accept brief of the petitioner.

4. Learned counsel for the petitioner further submits that petitioner was necessitated to file an application on 13.10.2026 for transfer of his Case No.1 of 2026, *Shree Daulat Ram Vs. Roshandeen and others*, to be transferred from the court of Assistant Collector, Ist Class, Tuni, Dehradun, to Tehsil-Vikasnagar or any other Teshil in Dehradun.

5. From perusal of, annexure no.3, the so called transfer application, it is reflected that this has not been made under proper form as is required under Section 192 of U.P. Land Revenue Act, 1901 (hereinafter referred to as "Act of 1901").

6. The petitioner shall move an appropriate application for transfer invoking power under Section 192 of Act of 1901 for transferring his case from the court of learned Assistant Collector, Ist Class, Tuni, Dehradun, to any other court in Tehsil-Vikasnagar or Dehradun.

7. In such view of the matter, writ petition stands disposed of permitting the petitioner to move proper application in proper form before the learned Collector, Dehradun, under Section 192 of Act of 1901 within fifteen days' from today and if such a transfer application is moved by the petitioner, the same shall be dealt with by the learned Collector, in accordance with law, after putting the applicant/complainant on notice, expeditiously.

8. In the aforesaid background, it is provided that proceedings of Case No.1 of 2026, *Shree Daulat Ram Vs. Roshandeen and others*, under Section 211 of Act of 1950 shall remain stayed only for 15 days.

9. It is also made clear that the aforesaid interim order shall operate for a period of 15 days' or till the transfer application is moved before the Collector, whatever is earlier.

(**Pankaj Purohit, J**.)
03.11.2026

SK
SHUBHAM KAPRUWAN