

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
		19.07.2024	<p>WPMS No.1813 of 2024 <u>Hon'ble Vivek Bharti Sharma, J.</u></p> <p>Mr. Vijay Bhatt and Mr. Ashish Joshi and Mr. Shobhit Joshi, Advocates for the petitioner.</p> <p>2. Mr. Yogesh Tewari, Standing Counsel for the State.</p> <p>3. Learned counsel for the petitioner would submit that the predecessor of respondent no.1 had filed an application before the court of Collector under Section 33/39 of Land Revenue Act for correction of revenue records i.e. for increasing the area and change the category of land; that, the said application was rejected, against which, respondent no.1 preferred a revision before the court of Commissioner, Garhwal Mandal, Pauri; that, the Additional Commissioner, vide its order dated 09.11.2022, allowed the revision; that, being aggrieved, petitioner preferred a revision, which was allowed by the Board of Revenue, vide its order dated 23.08.2023 and the order dated 09.11.2022 was set aside.</p> <p>4. He would further submit that the respondent no.1 being aggrieved by order dated 23.08.2023 passed by Board of Revenue filed a review application; that, the Board of Revenue, vide its order dated 18.03.2024, allowed the review application, set aside the order dated 23.08.2023 and upheld the order dated 09.11.2022 passed by Additional Commissioner, hence, this writ petition.</p> <p>5. Learned counsel for the petitioner would</p>

submit that once the land in question comes within the Municipal limits the revenue courts should cease to have its jurisdiction to do any mutation rather this is the job of the municipal authorities.

6. He would further submit that the Board of Revenue, while passing the impugned order, has travelled into the merits of the case and has discussed the facts and evidence again and failed to consider the settled principle of law that the scope of review is very limited and is permissible only when there is an error apparent on the face of record.

7. In the opinion of this Court, this matter needs deliberation.

8. Admit the petition.

9. Issue notice to respondent no.1 through ordinary and registered post acknowledgment due as well as by Email and WhatsApp, if available.

10. Steps to be taken within two weeks.

11. As prayed, State/respondent no.2 is granted time to file counter affidavit.

12. ***List on 10.12.2024.***

13. Till further orders, the effect and operation of *impugned order dated 18.03.2024 (Annexure-1)* shall remain stayed. It is also directed that the parties shall not change the nature of land in question nor shall it create any third party interest over the same.

14. Interim Relief Application IA No.01/2024 is disposed of.

(Vivek Bharti Sharma, J.)

19.07.2024