

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPMS No. 3087 of 2024</p> <p><b><u>Hon'ble Manoj Kumar Tiwari, ACJ</u></b></p> <ol style="list-style-type: none"> <li>1. Mr. Arvind Vashisth, learned Senior Counsel assisted by Mr. Abhishek Anthwal, learned counsel for the petitioners.</li> <li>2. Mr. Rajat Mittal, learned counsel for the caveator/respondent no. 4.</li> <li>3. Ms. Anjali Bhargawa, learned counsel for respondent no. 12.</li> <li>4. Issue notice to remaining respondents returnable within four weeks.</li> <li>5. Steps to be taken by 22.11.2024.</li> <li>6. Heard learned counsel for the parties and perused the record.</li> <li>7. It is contended by Mr. Arvind Vashisth, learned Senior Counsel appearing for the petitioners that the judgment passed by Board of Revenue Uttarakhand is unsustainable for the reasons that (i) revision filed under Section 333 of UPZA&amp;LR Act, at the behest of a third party, was not maintainable; (ii) the only remedy available to respondent nos. 1 to 4 was to file objection in the execution proceedings under Order 21 Rule 97 of CPC, and (iii) the ground on which revision has been allowed is not sustainable. He further submits that even if the contention raised on behalf of respondent nos. 1 to 4, that they are continuing in possession over the land in question, is taken on its face value and the other stand taken by them that the name of petitioners has wrongly been recorded in the revenue records is also accepted as it is,</li> </ol>

then also the proper remedy to respondent nos. 1 to 4 is to file declaratory suit under Section 229-B of UPZA&LR Act, as long standing revenue entries can only be corrected in the declaratory suit.

8. List this case on 12.02.2025.

9. In the meantime, respondents shall file counter affidavit.

10. Till the next date of listing, effect and operation of the impugned judgment and order dated 09.10.2024 passed by Board of Revenue Uttarakhand, Dehradun in Revision No. 09 of 2023-24 shall remain stayed.

11. Accordingly, stay application (IA No. 1 of 2024) stands disposed of.

**(Manoj Kumar Tiwari, ACJ)**

20.11.2024

Aswal

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