



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/2747/2026</u> Catholic Diocese of Lucknw --Petitioner Versus State of Uttarakhand and others --Respondents <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Sanjay Bhatt, Advocate for the petitioner. 2. Mr. Sudhir Kumar Nailwal, Standing Counsel for the State of Uttarakhand/ respondent no. 1. 3. Ms. Anjali Bhargava, Advocate for respondent no. 2. 4. Mr. Deepak Bhatt, Advocate for respondent no. 3. 5. Petitioner has challenged judgment and order dated 14.10.2025, passed by learned Board of Revenue, Uttarakhand, Circuit Bench at Nainital in Second Appeal No. 69 of 2015-16. 6. Perusal of the impugned judgment reveals that learned Trial Court decreed the declaratory suit filed by petitioner based on plea of adverse possession by overlooking the fact that there was no entry of petitioner's possession in P.A. No. 10 maintained by Revenue Authorities; the suit for partition filed by respondent no. 3 was decided by Trial Court on 31.10.2000 and the holding was partitioned by meets and bounds and



petitioner was not found in possession of the holding at the time of such partition, however, this aspect was overlooked by Trial Court. Learned Board of Revenue further observed that respondent no. 3 had taken loan against the land in question, which aspect was also overlooked by Trial Court while decreeing the suit filed by petitioner.

7. This Court do not find any reason to interfere with the impugned judgment while exercising powers under article 227 of the Constitution, as by the said judgment, the matter has been remanded back to Trial Court to decide the matter afresh.

8. The writ petition, however, is disposed of with direction to learned Trial Court to decide the suit afresh, after considering the pleadings made by the parties, uninfluenced by observation made by learned Board of Revenue in para nos. 7 & 8 of the impugned judgment.

(Manoj Kumar Tiwari, J.)

16.09.2026

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