

Writ Petition No. 626 (M/S) of 2002

Sumer Chand alias Samaru  
And two others

..... Petitioners

**Versus**

Chief Revenue Commissioner,  
District- Dehradun and four others, ..... Respondents.

**Hon'ble P. C. Verma, J.**

The petitioner had moved an application under Rule 115-P of the Uttar Pradesh Zamindari Abolition and Land Rules, 1951 for cancellation of allotment of land made in favour of respondent No. 4 on the ground that they are tenure holders of the land in dispute. The allotment is made under Rule 173 of U.P.Z.A. & L.R. Rules of a Gaon Sabha land, which was made in favour of respondent No. 3

According to the learned counsel for the petitioner, the land is not covered under Section 195 of Uttar Pradesh Zamindari Abolition and Land Reforms Act. Therefore, the land could not have been allotted as the petitioners are tenure holders of the land in dispute. From the above narration of the facts, it is clear that the title dispute is involved. If the petitioners claim themselves to be the tenure holders of the land, they may seek a declaration suit under Section 229-B of U.P.Z.A & L.R.Act. They cannot claim ownership over a land in summary proceedings, as the questions of title cannot be decided in summary proceedings on an application for cancellation of allotment made in favour of respondent No. 3. Therefore, the petition is dismissed with a liberty to file suit under Section 229-B of U.P.Z.A. & L.R. Act for declaring their title, for which notice period is waived. If such suit is filed within one month from today, the same shall be disposed of within a period of six months by the S.D.M. concerned. For six months, the parties shall maintain status quo.

With the aforesaid observations, the petition is disposed of finally.

**(P. C. Verma, J.)**

29.08.2002  
P.Singh