

Court No. - 48

Case :- WRIT - B No. - 2404 of 1981

Petitioner :- Ram Sewak

Respondent :- A.D.C. And Others

Counsel for Petitioner :- U.K. Mishra, Kunal Ravi Singh, Manjari Singh, Ram Kirti Singh

Counsel for Respondent :- R.R. Yadav

Hon'ble Saurabh Shyam Shamshery, J.

Heard Sri K.N. Rai and Sri Ram Kirti Singh, learned counsel for petitioner and Sri A.K. Rai, learned A.C.S.C. for State.

This writ petition is pending since 1981, however, issue involved is very limited. The Revisional Authority by impugned order dated 21.1.1980 has set aside the order passed by Consolidation Officer on ground that 'Ishtehar' issued by Consolidation Officer was not in terms of prescribed procedure and order impugned therein was set aside and matter was remanded back to Consolidation Officer for fresh consideration.

Learned counsel for petitioner submits that during pendency of this writ petition, original petitioner and some of original respondents have died and their respective legal heirs are brought on record and according to office report service upon them could be considered to be sufficient.

Learned counsel further submits that admittedly, revision petition was filed after about one year of impugned order therein, without filing any application for condonation of delay, though limitation to file a revision petition as provided under Section 111 of U.P. Consolidation of Holdings Rules, 1954 was 30 days.

Learned counsel further submits that on merit also, it was not a case to remit and Revisional Authority ought to have been decided the revision petition on merit. Learned counsel for petitioner has placed reliance on judgment passed by this Court in **Ram Prakash Vs. Deputy Director of Consolidation, Hardoi, 2022 (3) ADJ 1.**

None appears on behalf of respondents.

Learned A.C.S.C. for State submits that since a limitation is

provided under the Rules, therefore, it could be considered even on oral prayer, however, that was skipped in impugned order.

I find merit in the argument of learned counsel for petitioner that since, admittedly, revision petition was filed belatedly, therefore, either it ought to be accompanied with an application for condonation of delay or at least it argued orally, however, impugned order is silent on this issue, even it has also not been noted that there was a delay in filing the revision petition, therefore, order impugned is set aside and matter is remitted to Revisional Authority to consider the issue of limitation at first instance, even on oral argument of revisionists.

This writ petition is **disposed of** with aforesaid observation.

Petitioner shall file the amended cause title within a period of three weeks from today.

The Revisional Authority will conclude aforesaid exercise within a period of six months from today.

Order Date :- 26.10.2023

P. Pandey