

Court No. - 48

Case :- WRIT - B No. - 970 of 2023

Petitioner :- Lampu

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Hinchh Lal Pandey

Counsel for Respondent :- C.S.C.,Deepak Gaur

Hon'ble Saurabh Shyam Shamsbery,J.

1. The petitioner has lost before Appellate Authority since an appeal was dismissed on ground of delay and laches as petitioner was not able to give sufficient reason for condoning the delay of about 25 years. Revision petition thereof was also dismissed.

2. Sri H.L. Pandey, learned counsel for petitioner submits that it is a consistent case of petitioner that he is still in possession of land in dispute, therefore, no prejudice would cause to respondents or other concerned party and for that this Court may impose certain conditions and cost.

3. In view of above submissions and taking note that petitioner has given solemn affirmation that he is still in possession over the land in dispute despite an order was passed 25 years ago, therefore, impugned orders are set aside and Appellate Authority is directed to hear the appeal filed by petitioner on merit, subject to cost of Rs. 25,000/- to be paid in the account of District Legal Service Authority, Lalitpur within a period of two weeks from today.

4. Writ petition stands partly **allowed**.

Order Date :- 27.10.2023

Nirmal Sinha