

Court No. - 48

Case :- WRIT - B No. - 3625 of 2023

Petitioner :- Gulab

Respondent :- Deputy Director Of Consolidation And 8 Others

Counsel for Petitioner :- Om Prakash, Pramod Pathak

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Shyam Shamsbery, J.

Petitioner has challenged the impugned order whereby matter has now been put up to consider 'maintainability' of restoration application filed by petitioner.

From the record, it appears that Revisional Authority has decided the revision petition by an order dated 24.8.2018, however, on restoration application filed by petitioner, the said order was recalled and matter was put up for fresh hearing by an order dated 15.12.2018.

The respondent, being aggrieved, filed a restoration application to recall the above referred order which has now been allowed by impugned order and restoration application is now being put up to consider question of its maintainability.

Learned counsel for petitioner submits that the restoration application was allowed after hearing both parties and since it was not an ex-parte order, therefore, the Revisional Authority by impugned order has erroneously interfered with it, however, he is not able to contradict that Revisional Authority has not taken note the judgment passed by Division Bench of this Court in the case of **Shivraji Vs. Deputy Director of Consolidation Allahabad, 1997 0 Supreme(All) 806 : 1997 0 RD 562** in regard to maintainability of a recall/review application.

In the aforesaid circumstances, I do not find any illegality in the impugned order and Revisional Authority is directed to consider the issue of maintainability of restoration application, so filed by the petitioner, after taking note of judgment of **Shivraji (supra)**. The whole exercise shall be concluded within a period of three months from today, if there is no legal impediment.

This writ petition is accordingly, **disposed of**.

Order Date :- 26.10.2023/P. Pandey