

Court No. - 48

Case :- WRIT - B No. - 3665 of 2023

Petitioner :- Ashok Kumar And 3 Others

Respondent :- Deputy Director Of Consolidation And 8 Others

Counsel for Petitioner :- Mehendra Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Shyam Shamshery,J.

1. Heard Sri Mehendra Kumar Singh, learned counsel for petitioners.
2. Objection of the counsel for petitioners is that legal heirs of contesting respondents were brought on record even without an application for condonation of delay though the application was filed after more than four years and he referred certain provisions of the Limitation Act.
3. The concerned authority by the impugned order has allowed the substitution application.
4. It is a case arising out of consolidation proceedings. Since it is in respect of villagers, therefore, delay is not abnormal and since the proceedings are still pending, therefore, even the delay of four years is not extraordinary. It is not under dispute that they are interested parties, therefore, they are required to be heard.
5. So far as delay condonation application is concerned, Authority can condone delay even on oral request, therefore, in the interest of justice and since no serious prejudice is caused to petitioners, I do not find any ground to interfere with the impugned order.
6. Writ petition is accordingly dismissed.

Order Date :- 6.11.2023

SB