

Court No. - 48

Case :- WRIT - B No. - 3734 of 2023

Petitioner :- Harendra Singh

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Sundeep Shukla

Counsel for Respondent :- C.S.C.,Sunil Kumar Singh

Hon'ble Saurabh Shyam Shamshery,J.

Heard Sri Sandeep Shukla, learned counsel for petitioner and learned Standing Counsel for State.

Learned counsel for petitioner points out that earlier the revisionist has purportedly filed an appeal before Appellate Court against the same order of Consolidation Officer which is still pending, therefore, impugned order passed by Revisional Court dated 28.08.2023 in revision No. 314 of 2023 (Parul Vs. State of U.P. and others), may be set aside as the revision petition was not maintainable, as aforesaid appeal was pending.

Learned counsel further submits that petitioner was not made party before Revisional Authority. therefore, in interest of justice the petitioner may be granted a liberty to approach Revisional Authority and to file a review application/restoration application against impugned order herein and further ventilate all his claim by pointing out above referred contention before it.

Since admittedly, above referred position was not placed before Revisional Authority, therefore, at this stage, before entering into merit of case, an opportunity is granted to petitioner to approach the Revisional Authority by filing a restoration application/review application and as the contention would be that order impugned herein was an ex-parte order as well as beyond jurisdiction, therefore, 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 88 RD 562** will not come in the way.

In case any restoration application/review application is filed within a period of three weeks, the authority concerned will decide the restoration application/review application within a period of six weeks thereafter.

It is made clear that all the contentions of rival parties will be opened.

The application may not be dismissed this writ petition on ground that petitioner was not a party in revision petition.

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

Order Date :- 7.11.2023

P. Pandey