

Court No. - 48

Case :- WRIT - B No. - 3913 of 2023

Petitioner :- Balraj (Since Deceased) And 5 Others

Respondent :- Deputy Director Of Consolidation And 18 Others

Counsel for Petitioner :- Om Prakash, Pramod Pathak

Counsel for Respondent :- C.S.C., Kailash Nath Singh

Hon'ble Saurabh Shyam Shamsbery, J.

1. The present case is arising out of objections filed under Section 9-A(2) of U.P. Consolidation of Holdings Act, 1953 (in short UPOCH Act).
2. According to petitioners that there was a short delay in filing objections after the notification was issued under Section 9 of UPOCH Act.
3. The short delay in filing objections were allowed by order dated 09-01-2014 passed by the Consolidation Officer.
4. The petitioners herein have filed a revision-petition that the delay was wrongly condoned as well as way back in the year 1995 the sale deed was executed in their favour and the respondents were well aware of it. However, the revision-petition was dismissed by an order dated 23-08-2023.
5. Learned counsel for the petitioners submits that respondents despite having knowledge that sale deed was executed and possession thereof was handed over to petitioners way back in the year 1995, however, they have not raised any objections and during consolidation proceedings at a belated stage objections were filed, therefore, delay ought to have considered from the date of execution of sale deed.
6. Learned counsel for the petitioners submits that aforesaid

premises is not legally sustainable since delay has to be considered from the date of notification issued under Section 9 of the Act and in present case it was of few days.

7. I have heard the counsel for the parties and perused the record.

8. The argument of learned counsel for the petitioners that delay has to be considered taking note of date of sale deed i.e. of the year 1955, is not legally sustainable since objections were filed under Section 9-A(2) of the UPOCH Act and limitation will commence from the date of notification issued under Section 9 of the Act. It is not in dispute that there was a very short delay in filing objections. therefore, in light of well settled principles that while considering an application for condonation of delay of few days, liberal approach has to be adopted. (**See, Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy and others, (2013) 12 SCC 649**)

9. In the aforesaid facts and circumstances, I do not find any illegality in the impugned order since the authority has rightly condoned the very short delay.

10. Writ petition is accordingly **dismissed**.

Order Date :- 12.12.2023

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