

Court No. - 48

Case :- WRIT - B No. - 3988 of 2023

Petitioner :- Naresh Kumar And 5 Others

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

Counsel for Petitioner :- Anil Kumar Rai, Samarath Singh, Vishnu Singh

Counsel for Respondent :- C.S.C., Arun Kumar Pandey, Arvind Srivastava Iii

Hon'ble Saurabh Shyam Shamsbery, J.

1. Heard Sri Vishnu Singh, learned counsel for petitioners and Sri Arvind Srivastava, Advocate for contesting-respondent.
2. It is not doubt that petitioners remained lethargic, therefore, revision was dismissed in default and though it was restored but later on it was again dismissed in default and thereafter even restoration application was dismissed in default.
3. Deputy Director of Consolidation has taken note of above facts and has rejected the restoration application of petitioners by means of impugned order dated 17.08.2023 being not maintainable.
4. Learned counsel for petitioners submits that revision has to be heard on merit otherwise great prejudice would cause to petitioners, therefore, revision be restored to its original number with cost.
5. Learned counsel appearing for contesting-respondent submits that petitioners were not active to pursue the revision and even some of revisionists have died but no substitution application was filed.
6. Learned counsel for petitioners submits that at belated stage substitution application has already been filed.
7. In aforesaid circumstances and in the interest of justice, impugned order dated 17.08.2023 is set aside. The Revision No.

204/13 is restored to its original number subject to payment of cost of Rs. 10000/- to Respondent-6 within a period of three weeks from today. Revisional Authority is directed to conclude hearing of revision expeditiously, preferably within a period of six months from today, if there is no legal impediment.

8. With aforesaid observations/directions, the writ petition is disposed of.

Order Date :- 12.12.2023

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