

Court No. - 3

Case :- WRIT - C No. - 5108 of 2023

Petitioner :- Kamlesh Kumar

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Development Lko. And 5 Others

Counsel for Petitioner :- Ashutosh Kumar Singh

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Subhash Chandra Sharma,J.

1. Heard learned counsel for the petitioner, learned Chief Standing Counsel for State-respondents and learned counsel for respondent no. 6 i.e. Gaon Sabha-Diayra.

2. It is submitted by learned counsel for the petitioner that regarding Gata No. 1514, Area 0.1320 hectares, an order was passed by Sub-Divisional Magistrate, Tehsil- Jaisinghpur, District- Sultanpur on 15.2.2023 under Section 67A of U.P. Revenue Code, 2006 which was challenged before the Revisional Authority i.e. respondent no. 2 (Additional Commissioner, Ayodhya Mandal, Ayodhya) in case No. 1062 of 2023. He further submits that no notice was issued to the petitioner for hearing on condonation of delay and the delay was condoned and interim order was passed on 19.5.2023 while staying the operation of aforesaid order dated 15.2.2023 passed by Sub-Divisional Officer, Tehsil- Jaisinghpur, District-Sultanpur. It is further submitted that illegality was committed by learned Revisional Court (respondent no. 2) while passing the order of condoning the delay without giving an opportunity of hearing which is against law, therefore, the order dated 19.5.2023 passed by learned Revisional Court cannot sustain in the eyes of law so, request for quashing the same.

3. On the other hand, learned C.S.C. for State-respondents and learned counsel for Gaon Sabha opposed the prayer as aforesaid and urged that in this case, learned Revisional Court of Additional Commissioner, Ayodhya Mandal, Ayodhya passed the order dated 19.5.2023 after hearing the revisionist by which operation of the aforesaid order dated 15.2.2023 was stayed and the date 19.6.2023 was fixed for hearing both the parties and order of issuance of notice was also made. In this way, the petitioner has an option to file his objection regarding condonation of delay in entertaining the revision and interlocutory order.

4. On considering the facts and circumstances of the case,

submissions made by learned counsel for the petitioner, learned C.S.C. for State-respondents and learned counsel for Gaon Sabha and on perusal of the record, it appears that learned Revisional Court has entertained revision after condoning the delay without issuance of notice to the petitioner and without giving an opportunity of hearing to him and also stayed the operation of order dated 15.2.2023 passed by Sub-Divisional Magistrate, Tehsil- Jaisinghpur, District- Sultanpur while fixing the date for filing the objection to the petitioner. Now, the petitioner has an opportunity to file his objection before learned Revisional Court regarding the delay and ex-parte order passed against him.

5. In view of this, it is expedient to direct the petitioner to file his objection before learned Revisional Court i.e. respondent no. 2 (Additional Commissioner, Ayodhya Mandal, Ayodhya) with his submissions regarding delay and interim order passed by learned Revisional Court within a period of fifteen days from today along with certified copy of this order which will be decided by respondent no. 2 within thirty days thereafter by giving an opportunity of hearing to both the parties and without any unnecessary adjournment to either of the parties.

6. Till disposal of objection filed by the petitioner, the operation of interim order dated 19.5.2023 passed by respondent no. 2 will remain in abeyance.

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

Order Date :- 26.6.2023

Mohit Singh/-