

Court No. - 18

Case :- WRIT - B No. - 1010 of 2023

Petitioner :- Sarju Dai

Respondent :- Board Of Revenue Thru. Chairman Board
Revenue And 4 Others

Counsel for Petitioner :- Om Chandra Sahu

Counsel for Respondent :- C.S.C.

Hon'ble Shree Prakash Singh,J.

1. Heard Sri Om Chandra Sahu, learned counsel for the petitioner, Sri Hemant Pandey, learned standing counsel for the State and perused the record.

2. Instant petition has been filed with following reliefs:-

a) a writ order on direction in the nature of Certiorari quashing order dated 14.07.2023 passed by O.P. No. 1 in Review No.- 1972/2022, Sarju Dai Versus Kaushal Kishore Mishra and others, U/s 114 read with Order- 47 C.P.C.

b) to any writ order or direction which may deem fit and proper in the circumstances of the case.

3. Learned counsel appearing for the petitioner submits that the against the order dated 01.08.2022, he moved a review application before the board of revenue which was dismissed on 14.07.2023 with the observation that section 114 of The U.P. Zamindari Abolition and Land Reforms Act, 1950 is not applicable in the case of the petitioner as the same was amended in the year 1961. He submits that there is no such provision in U.P.Z.A and L.R. Act with respect to review of any proceedings or judgment and order. He added that findings of the board of revenue in the impugned order dated 14.07.2023 itself is erroneous.

4. Learned counsel appearing for the State submits that the review application under section 114 read with Order- 47 of C.P.C. is maintainable before the board of revenue as per the

division bench judgment in application under section 482 No. 28742 of 2021 (Niyaz Ahmad Khan versus State of U.P. and Another)

5. In view of the aforesaid submissions, the **order dated 14.07.2023 is hereby set aside.**

6. The matter is remitted back to the board of revenue, concerned to consider and decide the application of the petitioner within a period of three months from the date of the certified copy produced before it, in accordance with law and further considering the law laid down in the case of (Niyaz Ahmad Khan versus State of U.P. and Another) in application under section 482 No. 28742 of 2021.

7. However, it is open for the Board of Revenue, Lucknow to consider the issue of delay and latches at the time of admission of review application.

8. In view of the aforesaid observations, the petition is hereby **disposed of.**

Order Date :- 18.12.2023
Mayank