

**Court No. - 18**

**Case :-** WRIT - C No. - 10418 of 2023

**Petitioner :-** Farooq Ali And Others

**Respondent :-** State Of U.P. Thru. Addl. Chief Secy. Revenue, Lucknow And Others

**Counsel for Petitioner :-** Somdutta Singh

**Counsel for Respondent :-** C.S.C.

**Hon'ble Shree Prakash Singh,J.**

1. Heard Shri Somdutta Singh, learned counsel for petitioners and Shri Hemant Pandey, learned Standing Counsel for the State and instant petition has been filed.

2. Learned counsel appearing for the petitioner submits that a revision was instituted by the petitioners under Section 219 of Land Revenue Act whereafter the learned Revisional Court ignoring the facts and grounds mentioned in the revision with respect to the reason of delay has passed the order. He added that the finding of the Revisional Court is perverse as is evident from paragraph 9 and 10 of the revision filed by the petitioners. He also added that in the interest of justice he may be given an opportunity to move a delay condonation application along with the reason and the authority concerned may be directed to decide the same within stipulated period of time as may be fixed by this Court.

3. On the other hand, the counsel appearing for the State has opposed the aforesaid contentions and submits that the reasons which have been explained in the revision itself is evident that the petitioners did not explain the delay in a proper manner and therefore, the learned Revisional Court has rightly passed the order, though he has no objection if the matter is remitted back to the Revisional Court for further providing an opportunity to the petitioner to be heard on a fresh application for condonation

of delay.

4. In view of the aforesaid submissions, the order dated 04.01.2023 is hereby set aside.

5. The matter is remitted back to the Revisional Court and the petitioner is given liberty to move an application for condonation of delay within a period of fifteen days and if such application is moved, the same shall be considered and decided by the Revisional Court within a further period of 60 days after affording an opportunity of hearing to the parties concerned in accordance with law.

6. The observations made above would not affect the merit of the case before the court below. The instant petition is therefore **allowed**.

7. Matter is being decided on the admission stage and therefore the notices to opposite party nos.3 to 7 are hereby dispensed with.

**Order Date :- 29.11.2023**  
Mohd. Sharif