

Court No. - 19

Case :- WRIT - B No. - 1260 of 2024

Petitioner :- Mata Dayal Pandey And Others

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

Counsel for Petitioner :- Bhup Chandra Singh, Abdul Raheem Khan

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

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioners, learned State Counsel for opposite parties 1 to 4 and Mr. Mohan Singh learned counsel for opposite party No.24. In view of order being passed, notice to opposite parties 5 to 23 stand dispensed with.
2. Petition has been filed challenging order dated 5th May, 2022 passed under section 11 of the Consolidation of Holdings Act as well as the revisional order dated 12th August, 2024.
3. By means of aforesaid orders, appeal preferred by petitioner under section 11 of the Act has been rejected on the twin grounds of being barred by limitation by 43 years as well as the fact that single appeal has been preferred against three separate orders passed under section 9 of the Act.
4. Learned counsel for petitioner submits that in the application seeking condonation of delay, cogent explanation for delay of 43 years has been furnished and so far as the second ground is concerned, mistake on the part of counsel may not be attributable to the petitioners.
5. Mr. Upendra Singh learned State Counsel has refuted submissions advanced by learned counsel for petitioner with submission that a delay of 43 years has occasioned in filing the appeals and the order impugned have been passed in a cogent and reasonable manner which do not warrant any interference.
6. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, it appears that appeal under Section 11 of the Act was preferred by petitioners challenging orders dated 28th August, 1971, 30th May, 1974 and 22nd June, 1976 on 25th May, 2015.
7. It is therefore quite evident that delay of 43 years has occasioned in challenging the aforesaid orders. The impugned orders also reveal that petitioner's father had earlier filed objections against aforesaid orders but were apparently

dismissed in default of appearance. The ground taken for condonation of delay is that petitioner's father was quite young in age at that time and was unable to understand the import of aforesaid orders.

8. It is also evident that it has not been indicated in the application for condonation of delay as to the age of petitioner's father at that time when the order was passed or even at the time when his objections were dismissed in default of appearance. The fact nonetheless evidences that the petitioner's father was fully aware of the aforesaid orders and had also filed objection against thereto.

9. In view of aforesaid, this Court does not find any cogent explanation having been furnished by the petitioners for filing appeal after period of 43 years. In the considered opinion of this Court, such a considerable delay can not be condoned to unsettle a settled situation particularly when no cogent reasons have been indicated.

10. It is also evident that three separate orders passed in three separate proceedings under Section 9 of the Act have been challenged by single appeal. The same may not be permissible.

11. In view of aforesaid, this Court does not find any occasion to interfere with the order impugned. The petition is dismissed at the admissions stage itself leaving it open to petitioners to avail themselves any other remedy which are available to them.

Order Date :- 19.12.2024

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