

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No.2235 of 2025

Smt. Sukhvinder Kaur & another

.....Petitioners

Versus

Dy. Director Consolidation and others

.....Respondents

Mr. Himanshu Pal, learned counsel for the petitioners.

Mr. S.K. Nainwal, learned S.C. for the State-respondent nos.1 and 3.

Mr. M.S. Tyagi, learned Senior Advocate assisted by Mr. Sunil Chandra, learned counsel for respondent no.2.

Hon'ble Pankaj Purohit, J. (Oral)

By means of this writ petition, petitioners have sought quashing of order dated 24.05.2025 passed by learned Deputy Director of Consolidation Haridwar in Revision No.172 of 2024-25 'Sukhwinder Kaur and another v. Smt. Bala' and Revision No.173 of 2024-25 'Sukhvinder Kaur and another v. State and another' whereby those revisions were dismissed. Petitioner has also challenged the separate orders dated 29.08.2023 passed in Appeal No.05 of 2010 'Smt. Bala v. Sukhvinder and another' and in Appeal No.10 of 2011 'State v. Smt. Lallit and others', whereby the Settlement Officer (Consolidation) has allowed the delay condonation in both the appeals and proceeded to hear the matter on merits.

2. It is the case of petitioners that the land which is the subject matter of the proceedings was mutated in the revenue records in the name of petitioners on 20.06.1994. The said order was challenged by the respondents in the year 2010 by filing an appeal under Section 11(1) of the U.P. Consolidation of Land Holdings

Act, 1953 before the Settlement Officer (Consolidation) Camp Roorkee. By reason of judgment dated 15.12.2011, learned Settlement Officer (Consolidation) condoned the delay of 16 years. It is feeling aggrieved by the condonation of delay, petitioners challenged the said order in Revision Petitions being Revision No.16 of 2017-18 and Revision No.15 of 2017-18 before the Deputy Director of Consolidation/Addl. District Magistrate (Administration) Haridwar.

3. The main ground of challenge by the petitioners in the revisional Court was that the learned Settlement Officer (Consolidation), while condoning the delay, has not given any reason as to why the delay of 16 years could be condoned. The Deputy Director of Consolidation by his order dated 11.03.2019 allowed the revisions and remanded the matter to the Settlement Officer Consolidation Haridwar with the direction to pass the reasoned order on the delay condonation application and after providing opportunity of hearing to both the parties.

4. After remand of case, learned Settlement Officer Consolidation Haridwar by his orders dated 29.08.2023 again allowed the delay condonation application and condoned the delay. Feeling aggrieved, again Revision Nos.172 of 2024-25 and 173 of 2024-25 were filed, and those revisions have been dismissed by learned Deputy Director of Consolidation, Haridwar by reason of judgment and order dated 24.05.2025. Hence this petition.

5. It is contended by learned Counsel for the petitioners that even this time round, no explanation for condoning the delay has been offered by the appellate authority and the delay has been condoned.

6. On the other hand, learned Senior Counsel appearing for respondent no.2 submits that by the impugned order dated 24.05.2025, delay has rightly been condoned. He also brought a fact to the notice of the Court that one appeal has been filed by the State of Uttarakhand being Appeal No.242 'State v. Musammat Lalli and others' against the mutation order dated 20.06.1994 in which impleadment application dated 22.09.2012 has been allowed and respondent no.2- Smt. Bala W/o Munnu Ram has been impleaded as a necessary party in the aforesaid case.

7. It is argued by learned Senior Counsel for respondent no.2 that even if the delay is not condoned, the State appeal, wherein respondent no.2 has been impleaded as a necessary party, would be given opportunity of hearing, and therefore, no prejudice has been caused to the petitioners.

8. Having heard learned Counsel for the parties and having perused the facts of the case, this Court is of the view that after condoning the delay, the matter would be heard and decided on merits and that too after hearing the parties. Therefore, it cannot be said that any prejudice has been caused to the petitioners if the petitioners are heard on merits.

9. In such view of the matter, no ground for interference is made out. The writ petition fails and the same is hereby dismissed.

(Pankaj Purohit, J.)
23.12.2025

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