



2025:0004-1 K03:202504

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 10699 of 2025

Pujari And 2 Others

.....Petitioner(s)

Versus

Addl. Commissioner (Administration) Second Devi
Patan, Division, Gonda And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Faiz Ahmad Khan
Counsel for Respondent(s)	:	C.S.C., Mohd. Waris Farooqui

Court No. - 5

HON'BLE ALOK MATHUR, J.

1. Heard Sri Faiz Ahmad Khan, learned counsel for the petitioners as well as learned Standing Counsel for respondent nos. 1 and 2 and Sri Mohd. Waris Farooqui, learned counsel appearing for respondent nos. 3 to 6.

2. It has been submitted by learned counsel for the petitioners that the present dispute pertains to the property being Gata No. 2122 measuring 1.052 hectares, situated in Village - Jogiyakala, Pargana, Tehsil and District - Balrampur, where the petitioners had filed an application for correction of map under Section 38(1) of the U.P. Revenue Code, 2006 and the application was rejected by order dated 24.03.2025, passed by the Additional District Magistrate (Finance and Revenue), Balrampur.

3. The petitioners being aggrieved by order dated 24.03.2025, had filed an appeal before the Additional Commissioner (Administration), Devi Patan Division, Gonda. The said appeal was filed with delay of 22 days and hence same was accompanied with an application for condonation of delay. In the application for condonation of delay it was stated that the petitioners were not informed about the order dated 24.03.2025 passed by the Additional District Magistrate (Finance and Revenue) within time and as soon as they came to know about the said order, they took steps for filing appeal and therefore it is stated that delay in filing the said appeal be condoned.

4. The appellate authority had merely stated that delay has not been

satisfactorily explained by the petitioners and proceeded to reject the application for condonation of delay and consequently, the appeal preferred by the petitioner was also rejected.

5. While assailing the validity of the order dated 24.03.2025, it has been submitted by learned counsel for the petitioners that delay was merely of 22 days and was also satisfactorily explained.

6. Learned counsel for the respondents though have opposed the writ petition, but could not dispute the aforesaid facts.

7. Considering the rival contention, it is noticed that the appeal was filed by the petitioners against order passed by the Additional District Magistrate (Finance and Revenue) on 24.03.2025. In the said application it was stated that the petitioners were not informed about the said order within time and they were informed with slight delay by their counsel and as soon as they came to know, the appeal was filed.

8. Considering that firstly, the delay was not of long duration and it was of only 22 days, which has been satisfactorily explained by the petitioners, who had stated that delay occurred on the basis of want of knowledge within time with regard to order dated 24.03.2025. Accordingly, this Court does not find any reason for rejection of the application for condonation of delay, specially when sufficient reasons were indicated by the petitioners, and by merely saying that petitioners were represented by the counsel before the Additional District Magistrate when order dated 24.03.2025 was passed, is not a good reason for rejecting the application for condonation of delay. It is the counsels who are present in the Court and it is they who inform the client about rendition of judgment in a particular case.

9. It is further noticed that the respondents did not file any objection regarding application for condonation of delay and therefore, for the aforesaid reasons the impugned order dated 24.03.2025 is illegal and arbitrary wherein application for condonation of delay has been rejected. Sufficient reason have been indicated by the petitioners for condonation of delay, the impugned order dated 24.03.2025 is set aside, delay in filing the appeal is condoned.

10. Respondent no. 1 is directed to consider and decide the appeal of the petitioner expeditiously, in accordance with law. The parties undertake to cooperate in the proceedings before respondent no. 1 and not to take any unnecessary adjournments.

11. The application for condonation of delay is allowed with cost of Rs.1000/-, to be paid by the petitioners to the private respondent no. 3 within next two weeks.

12. The writ petition is **allowed**.

(Alok Mathur,J.)

December 17, 2025

A. Verma