Court No. - 8

Case :- WRIT - B No. - 1111 of 2024

Petitioner :- Liyakat Khan
Respondent :- Deputy Director Of Consolidation, Lakhimpur Kheri And Others
Counsel for Petitioner :- Karuna Shanker Rastogi
Counsel for Respondent :- C.S.C.,Anil Kumar Mishra,Dilip Kumar Pandey

Hon'ble Jaspreet Singh,J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State respondents and Sri Anil Kumar Mishra, learned counsel for contesting respondent no.6.

2. Insofar as the private respondent no.7 is concerned, it has been submitted by the counsel for the petitioner that she is a proforma party as she is the wife of the petitioner. The private respondent no.5 and 6 has jointly made an application seeking to amend a restoration application which was engaging the attention of the C.O.. The same was allowed whereafter the petitioner had filed a revision before the DDC which has been dismissed by him holding that the order impugned dated 21.08.2024 is interlocutory an order. The petitioner being aggrieved against the said order has preferred the instant petition.

3. Sri Karuna Shanker Rastogi, learned counsel for the petitioner at the outset submit that even though he assailed that the impugned order on a ground that the provisions of Order 6 Rule 17 are not applicable and the Settlement Officer Consolidation had committed an error in allowing the application for amendment, is bad in the eyes of law, this submission, he does not wish to press and he is abandoning his

argument/ challenge to the impugned order passed by the Settlement Officer Consolidation on the aforesaid count.

4. He further submits that however, he maintains his petition on the ground that an order allowing the restoration application can not be treated as interlocutory order and as such dismissal of the revision purely on the aforesaid ground was not appropriate and therefore, the order does not deserve to be maintained.

5. Sri Anil Kumar Mishra, learned counsel, who appears for the respondent no.6 and he further submits that respondent no.5 is also the contesting party and both of them had jointly moved an application for restoration / and also amendment hence he may be permitted to represent the respondent no.5 as well. He further submits that insofar as the dismissal of the revision purely on the ground that the impugned order passed by the Settlement Officer Consolidation was interlocutory in nature is concerned the same can be remanded for decision afresh on the merits of the matter, all things intact, however some time frame be fixed by the Court so that the revision can be decided at the earliest.

6. Learned counsel for both the parties are at conscious on the aforesaid and therefore, taking note of the aforesaid, this Court **disposes of** the instant petition and it is provided that the impugned order dated 01.10.2024 passed by the DDC, Lakhimpur shall stand **set aside**. The revision shall stand restore on the Board of the DDC. The parties shall appear before him on 06.01.2025 and revisional court after hearing the contesting parties on merits shall decide the revision as expeditiously as possible, preferably within a period of eight weeks from the date the parties appear before him. It is made clear that the Court has not examined the case of either of the

parties on merit and the impugned order has been set aside only on the limited ground that the revision could not have been dismissed holding that the impugned order was interlocutory in nature.

Order Date :- 13.12.2024
KR

Digitally signed by :-
RABINDRA KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench