UKHC010137932026

2026:UHC:10312

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 2379 of 2026

Asfaq Deceased and others .....Petitioners

Versus

Gram Sabha Nagla Imarti, Pargana
and Tehsil Roorkee, District Haridwar ....Respondent

Present:

Mr. M.S. Tyagi, Senior Advocate, assisted by Mr. Rajendra Singh Azad, Advocate for the petitioner through video conferencing.
Mr. Siddharth Singh, Special Counsel for the respondent.

Hon'ble Ravindra Maithani, J.

The challenge in this petition is made to the order dated 27.04.2026, passed in Revision No. 19/22-23+75/25-26+72/25-26, Gaon Sabha Nagla Imarti Pargana and Tehsil Roorkee, District Haridwar Vs. Ashfaq (Deceased) substituted by his legal representatives, by the court of District Deputy Director, Consolidation/Collector, Haridwar ("the revision").

2. Heard learned counsel for the parties and perused the record.

3. Learned Senior Counsel for the petitioners submits that the revision was filed against the order dated 29.10.2021, passed by the Settlement Officer, Consolidation Haridwar. The revision was delayed. The delay condonation application was filed, but without considering the delay condonation application or passing any order on it, the revision itself has been decided, which is an illegality. He would submit that first and foremost, an order has to be passed on the delay condontion application and only thereafter, revision could have been heard on merits.

4. Learned counsel for the respondent admits it and very fairly concedes that in the revision, the respondent had filed a delay condonation application also, which has not been decided.

5. It is settled law that if an order is challenged after a delay and delay condonation application is filed, then before entering into merits of the matter, delay condonation application needs disposal.

6. Admittedly, in the instant matter, while deciding the revision, the delay condonation application filed by the respondent has not been decided. In absence of it, the revision could not have been decided. Hence, the impugned order cannot be said to be in accordance with law and it deserves to be set aside.

7. The writ petition is allowed.

8. The impugned order is set aside.

9. The matter is remanded back to the District Deputy Director, Consolidation/Collector, Haridwar to first decide the delay condonation application that has been filed by the respondent and thereafter, if need arises to decide the revision after affording an opportunity of hearing to the parties.

10. Parties shall appear before the District Deputy Director, Consolidation/Collector, Haridwar on 10.12.2026.

(Ravindra Maithani, J.)
05.11.2026

Jitendra