HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 4828 of 2026

Naved Afzal And 5 Others

.....Petitioner(s)

Versus

The State Of U.P. And 22 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shreyas Srivastava
Counsel for Respondent(s)	:	C.S.C., Pradeep Chauhan, Pradeep Kumar Upadhyay, Sunil Kumar Singh

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Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard Sri Shreyas Srivastava, learned counsel for the petitioners, learned Standing Counsel for the respondent nos. 1 & 2, Sri R.C. Singh, Senior Advocate assisted by Sri Pradeep Kumar Upadhyay, learned counsel for the respondent nos. 3 & 4 (the applicants of the restoration application), Sri Sunil Kumar Singh, learned counsel for the respondent no. 14 and Sri Pradeep Chauhan, learned counsel for the respondent no. 15.

2. The present petition has been filed challenging the order of the respondent no. 2, dated 12.6.2025, allowing the restoration application, filed after 25 years, setting aside the order dated 5.11.1999, and deciding the Reference afresh by the order dated 31.8.2026, setting aside the order of the Additional District Magistrate, Bulandshahar, dated 16.12.1986, arising out of proceedings under Section 28 of the Land Revenue Act, 1901.

3. It is contended by the learned counsel for the petitioners that the inordinate delay of more than 25 years has been condoned without recording any reasons and no satisfaction had been recorded on grounds set out by the applicants in their restoration application. It has been further contended that the Board of Revenue has accepted the reference, made by the Additional Collector, by merely recording operative portion of the reference order, without recording any reasons for accepting it.

4. Per contra, learned Senior Counsel appearing on behalf of respondent

nos. 3 & 4, the applicants of the restoration application, contended that when the reference was dismissed for want of prosecution, the revisionist no. 2, had died. Subsequently, the other parties to the proceedings also died, therefore, the application for restoration of the reference proceedings could not be filed within the prescribed period of limitation. However, the learned Senior Counsel could not dispute the fact that both the orders of the respondent no. 2, dated 12.6.2025 and 31.8.2026, are bereft of reasons.

5. I have considered the submissions made by counsel for the parties and perused the record.

6. As the applicants of the restoration application are represented through their counsel, therefore, the present petition is being decided finally without issuing notices to the other respondents.

7. Having perused the orders dated 12.6.2025 and 31.8.2026, I find that no reasons have been recorded for the inordinate delay of 25 years for setting aside the order dated 5.11.1999, nor the respondent no. 2 had recorded his satisfaction as to why the reference made by the Additional Commissioner, Meerut Division, Meerut, deserves to be accepted for setting aside the order of the Additional District Magistrate, dated 16.9.1986.

8. The impugned order is being challenged on the ground that the Restoration Application filed after a lapse of approximately twenty-five years has been allowed without recording any satisfaction to the explanation for the delay. It has also been contended that there is no plausible explanation for the inordinate delay in the restoration application.

9. The principles governing delay and laches were reiterated in Chennai Metropolitan Water Supply and Sewerage Board v. TT. Murali Babu, (2014) 4 SCC 108, wherein the Supreme Court emphasised that the Court must consider the nature of the claim, the explanation for the delay and the circumstances in which the extraordinary jurisdiction is invoked. A litigant who approaches the Court at his own leisure, without adequate justification for the delay, cannot ordinarily insist upon adjudication of a

stale claim.

10. The principle has also been applied in State of Orissa v. Laxmi Narayan Das, 2023 INSC 619; (2023) 15 SCC 273, wherein the Supreme Court considered a belated challenge concerning land rights and the finality of land records. The decision reiterates that an extraordinary delay in pursuing the appropriate remedy may disentitle a litigant to relief under the writ jurisdiction.

11. In the present case, the dispute is between private individuals, and the petitioner seeks to reopen an order passed in the year 1999 by filing the restoration application after 25 years. The Respondent Nos. 3 & 4 were required to approach the Court within a reasonable time or to furnish a satisfactory explanation for not having done so. The extraordinary lapse of approximately twenty-five years calls for a careful scrutiny of the explanation offered in their application.

12. The doctrine of delay and laches is founded upon the need for finality in litigation and the principle that a litigant who fails to assert an alleged right within a reasonable time cannot ordinarily seek to unsettle matters after an inordinate and unexplained delay. The Court is conscious that delay does not constitute an inflexible bar in every case and that exceptional circumstances may warrant interference. However, in the absence of a satisfactory explanation or any circumstance justifying the belated invocation of their right to move restoration application, the Respondent Nos. 3 & 4 cannot claim discretionary relief as a matter of right.

13. In view of the law laid down by the Hon'ble Supreme Court that inordinate delay of 25 years cannot be condoned without cogent reasons having been disclosed the order dated 12.6.2025 cannot be sustained and is accordingly set aside. Consequently, the order dated 31.8.2026, deciding the reference finally, is also set aside.

14. The writ petition is allowed.

15. Matter is relegated back to the respondent no. 2 to decide the restoration application filed by respondent nos. 3 and 4 against the order

dated 5.11.1999, afresh, after recording reasons in view of the law laid down by the Hon'ble Supreme Court, as discussed above, within a period of two months, from today.

16. Any observations made above by this Court, shall not come in the way of the respondent no. 2, while deciding the restoration application, afresh, after hearing all the concerned parties.

(Arun Kumar,J.)

October 28, 2026
Ranjeet Sahu

Digitally signed by :-
RANJEET SAHU
High Court of Judicature at Allahabad