



HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC REVIEW APPLICATION DEFECTIVE No. - 64 of 2026

The State Of U.P. And Another

.....Applicant(s)

Versus

Murtaza Hasan And 4 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	S.C.
Counsel for Opposite Party(s)	:	Vijay Chandra Srivastava

Court No. - 40

HON'BLE SARAL SRIVASTAVA, J.
HON'BLE SUDHANSHU CHAUHAN, J.

1. Heard Sri Mohan Srivastava, learned Standing Counsel for the review-applicant.
2. The present review petition has been filed along with the Delay Condonation Application No.1 of 2026.
3. The present review petition is reported to be beyond time by 3525 days. Thus, the delay in filing the review petition is about ten years.
4. The review-applicant has sought review of the judgement and order dated 24.05.2016 passed by this Court in Writ-C No.54084 of 2003 whereby this Court had dismissed the writ petition filed by the State of U.P. challenging the order dated 05.02.2003 passed by the District Judge, Meerut allowing the appeal of the respondents and setting aside the order of the Competent Authority dated 12.06.1986 passed under Section 8 (4) of Urban Land (Ceiling and Regulation) Act, 1976.
5. Against the judgement and order dated 24.05.2016 passed by this Court in Writ-C No.54084 of 2003, the review-applicant preferred Special Leave Petition (Civil) Diary No(s).14095 of 2017, which was dismissed by the Apex Court by order dated 08.10.2018.
6. The review-applicant has now preferred the present review petition seeking review of the judgement and order dated 24.05.2016 passed by this Court in Writ-C No.54084 of 2003.

7. We are conscious of the fact that the review-applicant is not supposed to explain each days delay in filing the review petition, but the review-applicant has to explain the delay properly and sufficiently so as to demonstrate that the delay in filing the review petition was bonafide and genuine and for reasons beyond the control of the review-applicant and as such, the review petition could not be filed in time.

8. We have perused the affidavit filed in support of the Delay Condonation Application seeking condonation of delay in filing the review petition, and we are shocked to see as to how casually the review-applicant has explained the delay of 3525 days in filing the present review petition.

9. In the affidavit filed in support of the Delay Condonation Application, the review-applicant has stated that the intimation with regard to the order dated 08.10.2018 passed by the Apex Court dismissing the Special Leave Petition (Civil) Diary No. (s).14095 of 2017 was received from the Advocate on Record in the office on 27.01.2020 i.e. after more than one year and three months from the date of dismissal of the Special Leave Petition.

10. The review-applicant has not made any averment in the affidavit as to why the review-applicant did not enquire about the fate of Special Leave petition filed by the review-applicant against the judgement and order dated 24.05.2016. There is no explanation for delay from the date of dismissal of Special Leave Petition till the order was communicated to the Department by the Advocate on Record.

11. Further, we find that the fact of receiving the order dated 08.10.2018 in the office of the review-applicant on 27.01.2020 from the Advocate on Record has been stated in paragraph no.12 of the affidavit filed in support of the Delay Condonation Application, but nothing has been placed on record to establish the veracity of the allegations made in the said paragraph.

12. We are further surprised to see that the averments made in paragraph no.13 of the affidavit that after obtaining the order of the Apex Court dismissing the Special Leave Petition (Civil) Diary No. (s).14095 of 2017, an opinion was sought from the office of DGC (Civil) with regard to further course of action in the matter.

13. The reason for the aforesaid observation by us is that the State has a Department of Law, which takes care of legal matters pertaining to the State,

and it appears that instead of sending file to the concerned Department, an opinion was obtained only by the DGC (Civil) after dismissal of Special Leave Petition by the Apex Court.

14. The opinion of DGC (Civil) is sought in civil matters relating to the level of District Court. However, in the present case, the matter has travelled upto the Apex Court, and considering the gravity of the matter, we are of the view that atleast a proper opinion should have been obtained from the office of Advocate General or some other Senior State Counsel of this Court.

15. The affidavit further reveals that based on the legal opinion of DGC (Civil) received in the office on 15.02.2020, the office sent a letter dated 03.03.2020 to the State Government for obtaining permission to file the review petition.

16. The affidavit further reveals that the State Government vide letter dated 13.11.2020 directed the competent authority to send a proposal alongwith grounds and opinion for filing review petition against the order dated 24.05.2016 passed in Writ-C No.54084 of 2003, which according to the review-applicant was received in the office on 24.11.2020. Ironically, again the legal opinion from the DGC (Civil) was sought and the opinion of DGC (Civil) was received in the office on 07.12.2020.

17. Subsequently, the review-applicant sent a letter dated 17.12.2020 to the State Government. Thereafter, the State Government vide letter no.Writ 317/Eight-6-2021-32 writ/2016 dated 08.06.2021 while relying upon the government order dated 16.04.2021 of Department of Law had granted permission to review-applicant to file review petition against the judgement and order dated 24.05.2016 passed in Writ-C No.54084 of 2003.

18. According to the review-applicant, the District Magistrate vide letter dated 12.07.2021 had authorised the Tehsildar, Meerut to contact the Chief Standing Counsel, High Court Allahabad for the purpose of filing the review petition.

19. It is stated that on account of the pandemic, COVID-19, restrictions had been imposed and the process for taking permission to file review petition took substantial time. It is further stated that thereafter, the review petition was drafted and filed on 18.08.2021 in the office of Joint Registrar, High Court, Allahabad which was allotted a temporary No.199.

20. It has further been alleged in the affidavit filed in support of the delay condonation application that in the review petition so filed, the number of writ petition was wrongly typed as Writ-C No.54085 of 2003, whereas the correct number of the writ petition is Writ-C No.54084 of 2003, and further full address of respondent was not mentioned.

21. It is also stated in paragraph no.26 of the affidavit that the fact regarding the typographical error came to the knowledge of the review-applicant recently when the official of Urban Ceiling Department, Meerut came to Allahabad High Court in some other case and tried to search the present review petition in the Record Section/Website of Allahabad High Court, but the same could not be traced, and thereafter, the present review petition has been filed.

22. The relevant extract of the affidavit explaining the delay after grant of permission by the State Government for filing review petition on 08.06.2021 as contained in paragraph nos.22 to 28 of the affidavit filed in support of the delay condonation application are reproduced herein below:-

"22. That thereafter the District Magistrate vide letter dated 12.07.2021 issued authorization letter No.92 /Na. Bhu. See./writ/Va. Li./2021 dated 12.07.2021 and authorized the Tehsildar Meerut to contact the Chief Standing Counsel, High Court Allahabad for filing the Review Application. Hence the present Review Petition is being prepared and filed. A copy of the letter dated 12.07.2021 is being enclosed herewith and marked as Annexure No. 15 to this affidavit.

23. That due to Covid-19 Restriction, the process of taking permission also got extended, thus the delay caused in filing the present Review Application on 18.08.2021 was procedural and not deliberate and neither intentional.

24. That the Review Petition was filed during the Covid period, on 18.08.2021 with the office of Joint Registrar, High Court, Allahabad and the temporary No. 199 was allotted.

25. That the correct writ petition number is 54084 of 2003, whereas due to inadvertent typographical error, the writ petition number got wrongly typed as 54085 of 2003, in the Review Petition and full address of respondent was not mentioned.

26. That the fact about typographical error came to the knowledge, recently when the official from Urban Ceiling Department, Meerut came

to Allahabad High Court in some other case and tried to search the present Review Petition in the record Section/Website of the Allahabad High Court, but the same could not be traced.

27. That since the Review petition was filed with incorrect Review Petition number in the year 2021 and the same is not traceable at present. Therefore the application for amendment the writ petition number would not bring desired result. Moreover the format of Review Petition has under gone substantial change therefore in the interest of justice it is considered appropriate to file a fresh Review Petition in appropriate format with same grounds as in the earlier Review application of 2021.

28. That for the convenience of this Hon'ble Court, the entire set/ true copies of the Review Application filed on 18.08.2021 including Index, Delay Condonation Application, Affidavit, Enclosure, Memo of Review Petition, Copy of the High Court Order dated 24.05.2016 passed in writ petition No.54084 of 2003, Stay Application and Affidavit alongwith true and type copy of the enclosure, in duplicate is being filed with the present affidavit for condonation of delay which may kindly be taken on records. Copy of the entire set of the Review Application filed on 18.08.2021 with the office of Joint Registrar is being enclosed herewith and marked as Annexure No.16 to this affidavit."

23. The paragraphs, extracted above, shows callous, apathetic and negligent conduct of the review-applicant. Further paragraphs no.23 to 27 of the affidavit are not supported by any material on record to establish the veracity and genuineness of the averments made therein.

24. Further, we are shocked to learn that when, once the State had already preferred a review petition, which according to the review-applicant is not traceable, then as to how, a second review petition was maintainable. Such kind of conduct on the part of the State reflects that either incorrect averments have been made in the affidavit filed in support of application for condonation of delay or settled principles of law have been kept at bay by the office of the concerned Principal Secretary and the Department of Law while filing the review petition, without even trying to ascertain as to what would be the fate of the review petition alleged to have been filed in the year 2021 as stated in paragraph no.24 of the affidavit, extracted above.

25. This kind of conduct of officers of the State is shocking and reprehensible inasmuch as the State is supposed to act fairly and should not indulge in any unnecessary litigation. This review petition is nothing but an

abuse of the process of law by the State authorities inasmuch as the sole object of the State authority appears to be to keep the matter pending in order to avoid the compliance of the order passed by this Court. The Court is shocked to see the shoddy manner in which the affidavit in support of application for condonation of delay has been drafted, which is either not in consonance with law or contains incorrect averments.

26. Considering the gravity of the matter that the present review petition has been filed by the State by making incorrect or may be false statements to the extent that State had earlier filed a review petition, which is not traceable without bringing on record any material to support the allegations so made.

27. We may further observe that whenever a review petition is filed in the office, the Registry issues a receipt endorsing that the review petition has been received in the Registry, and if the same is not filed for the purposes of the Court, the filing of particular date comes after 48 hours before the Court, and this Court cannot believe the averments made in paragraph nos.23 & 24 of the affidavit that though the review petition was filed by the review-applicant, but the record has been lost from the Court.

28. In paragraph no.24 of the affidavit filed in support of the application for condonation of delay, the review-applicant has stated that temporary no.199 was allotted to the earlier review petition filed by the review-applicant. We verified from the Registrar (Listing) whether any temporary number is allotted to any case to find out the correctness of averments made in paragraph no.24 regarding allotment of temporary number to a case. The Registrar (Listing) informs that there is no system of allotting a temporary number to any case. Therefore, we are of the view that an incorrect statement has been made in paragraph no.24 only for the purpose of getting the delay condoned in filing the review application.

29. It is also pertinent to note that the present review petition has been filed on 11.02.2026, and there is no explanation whatsoever of delay for the last five years as whatever delay that has been explained by the review-applicant is only upto 18.08.2021 i.e. till the date of filing of earlier review petition in the year 2021.

30. The Principal Secretary (Law) shall also produce the procedure being followed in filing the review petitions by the State.

31. Considering the gravity of the matter, we are constrained to summon the Principal Secretary, Housing and Urban Planning, State of U.P. and Principal Secretary (Law)/Legal Remembrancer (LR), State of U.P.

32. Let Principal Secretary, Housing and Urban Planning, State of U.P. and Principal Secretary (Law)/Legal Remembrancer (LR), State of U.P. remain present before this Court on the next date fixed to explain as to how this review petition has been filed containing incorrect and false averments, which are also not in consonance with law.

33. Put up as fresh on **24.03.2026**.

March 18, 2026

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(Sudhanshu Chauhan,J.) (Saral Srivastava,J.)