Court No. - 49

Case :- WRIT - B No. - 2554 of 2023

Petitioner :- Dharmveer Singh
Respondent :- State Of U.P. And 8 Others
Counsel for Petitioner :- Ashish Kumar Srivastava,Atul Kumar Srivastava
Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Shri Ashish Kumar Srivastava, learned counsel for the Petitioner, Shri S.N. Strivastava, learned Additional Chief Standing Counsel for the State-respondent nos. 1 to 5.

2. The Petitioner has approached this Court by seeking a writ in the nature of ceritorari to quash the impugned order dated 23.06.2023 passed by the Board of Revenue, U.P. at Prayagraj passed in Suit No. REV/126/2020/Hapur filed under Section 219 of the U.P. Land Revenue Act, 1901 and the order dated 02.11.2016 passed by the Additional Commissioner, Meerut Divison, Meerut in Revision No. 05/2015-16 and also the oder dated 28.09.2015 passed by the Record Officer/District Magistrate, Hapur in Appeal No. D2015117300562 and the order dated 25.06.2015 passed by the Assistant Record Officer, Garhmukteshwar, District- Hapur in Suit No. 37/2000 in the proceeding under Section 54 of the Land Revenue Act, 1901.

3. The contention of the learned counsel for the petitoner is that the entire proceedings in the instant case are illegal and without jurisdiction, having been carried out on the basis of the application filed under Section 54 of the Land Revenue Act, 1901. Whereas, the proceedings could have been initiated only under Section 34 of

the Land Revenue Act, 1901 and as such the entire proceedings are illegal and without jurisdiction.

4. The submission of the learned counsel for the petitioner is that the learned Board of Revenue without taking into consideration the seriousness of legal question involved in the matter, dismissed the revision at the admission stage itself on the ground of limitation, that too by misinterpreting the order dated 27.11.2019 passed by this Court in Writ- C No. 58437 of 2016, whereby a liberty was granted to the petitioner to avail the remedy in accordance with law and in exercise of the aforesaid liberty the revision was filed before the learned Board of Revenue.

5. Learned counsel for the petitioner further contends that the learned Board of Revenue has failed to appreciate the legal position that the revision filed by the petitioner is well within the limitation as provided under law.

6. The matter requires consideration.

7. Issue notice to the respondent nos. 6, 7, 8 & 9, through Registered Post A.D. as well as Dasti notices, returnable at an early date.

8. Steps for service of notice be taken.

9. Learned Additional Chief Standing Counsel prays for and is allowed four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks, thereafer.

10. List after the expiry of the aforesaid period.

Order Date :- 20.7.2023
Abhishek Gupta