

Court No. - 50

Case :- WRIT - B No. - 1393 of 2025

Petitioner :- Yogendra

Respondent :- State Of U.P. And 31 Others

Counsel for Petitioner :- Damodar Singh, Sanjai Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Sanjay Kumar Pandey, learned counsel for the petitioner and Mr. Satyendra Bhusan Dubey, learned Standing Counsel for the State respondents.

2. Counsel for the petitioner submitted that title appeal was decided on merit in accordance with law by Settlement Officer Consolidation. He further submitted that time barred restoration application filed against the appellate order passed on merit has been rejected on the ground of limitation recording finding of fact in support of the order. He submitted that in the revision filed by vendees, the application has been filed on behalf of petitioner that revision at the instance of the person who were not party in the appeal cannot be entertained but the petitioner's application has been rejected in arbitrary manner and case has been fixed for disposal of revision on merit. He placed reliance upon the judgement of this Court reported in **2003 (94) RD 353 Sukhjinder Jeet Kaur Vs. Deputy Director of Consolidation** as well as judgement passed in **Writ B No. 218 of 2022 Vijay Narayan Vs. Deputy Director of Consolidation and 6 Others** in support of his argument.

3. Matter requires consideration as to whether the revision under Section 48 of the U.P.C.H. Act can be entertained at the instance of the persons who were not party in appeal under Section 11 (1) of the U.P.C.H. Act

4. Issue notice to respondent nos. 3/1 to 19/3 returnable at an early date.

5. Steps be taken within three weeks.

6. Respondent nos. 3/1 to 19/3 shall file counter affidavit within six weeks. Rejoinder affidavit, if any, be filed within

two weeks thereafter.

7. List this matter on 25.7.2025.

8. Until further orders of this Court, the effect and operation of the order dated 24.9.2024 passed by respondent no.2 as well as further proceeding of revision No. 00376 of 2023 Computerized case No. 20235315510000000376 under Section 48 (1) of the U.P.C.H. Act pending before respondent no. 2, District Deputy Director of Consolidation District Mau shall remain stayed.

Order Date :- 24.4.2025

Vandana Y.