

Court No. - 49

Case :- WRIT - B No. - 1907 of 2025

Petitioner :- Vinesh Kumar

Respondent :- The State Of U.P. And 6 Others

Counsel for Petitioner :- Adya Prasad Tewari

Counsel for Respondent :- C.S.C.

Hon'ble J.J. Munir,J.

The petitioner's grand father applied for mutation of his name on the basis of succession under Section 171 U.P.Z.A. & L.R. Act but his application was rejected by the Tehsildar. His appeal to the Sub Divisional Officer was dismissed *vide* order dated 21.02.1979. The petitioner carried a revision before the Commissioner, who dismissed it *vide* order dated 01.07.1981. He challenged all these orders in revision before the Board, which came to be allowed *vide* order dated 10.12.1996. A restoration application was filed by the respondent nos. 3, 4 and 5 on 18.07.2002, which was allowed on the same day without issuing notice to the petitioner. There would be delay also involved which was never condoned. Allowing the restoration, the order dated 10.12.1996 was set aside and the petitioner's revision restored to its original file and number. The petitioner applied for a review of this order which too has been dismissed, no doubt, by a very detailed order. The question is if the order allowing the petitioner's revision dated 10.12.1996 could be set aside on a restoration application moved on 18.07.2002 on the same day that it was presented to the Board without the issue of a notice to the petitioner either on the delay condonation matter or on merits.

Issue notice.

Notice on behalf of respondent nos. 1 and 2 is accepted by Ms. Amrita Singh, learned Additional Chief Standing Counsel. She is granted three weeks' time to file a counter affidavit.

Let steps to serve respondent nos. 3 to 7 be taken by R.P.A.D. within a week.

List for admission on **11.07.2025** along with a report regarding service of notice and the postal track attached. The office shall put in a report regarding status of pleadings.

Till the next date of listing, operation of the impugned order dated 18.07.2002 passed by the Board of Revenue, U.P. at Lucknow shall remain **stayed**.

Let this order be communicated to the Registrar, Board of Revenue, U.P. at Lucknow through the learned Chief Judicial Magistrate, Lucknow by the Registrar (Compliance) **within 48 hours**.

Order Date :- 28.5.2025

Vijay