

Ram Kumar And 3 Others vs State Of U.P. And 4 Others on 1 April, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:45023

Court No. - 50

Case :- WRIT - B No. - 561 of 2025

Petitioner :- Ram Kumar And 3 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Abhishek Kumar Yadav, Bhola Nath Yadav

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta, Prabhakar Dubey

Hon'ble Chandra Kumar Rai, J.

1. Heard Sri Bhola Nath Yadav, learned counsel for the petitioners, Sri Prabhakar Dubey, learned counsel for the complainant, Sri Pankaj Kumar Gupta, learned counsel for the Land Management Committee and Sri Satendra Bhushan Dubey, learned Standing Counsel for the State.

2. Learned counsel for the petitioners submitted that petitioners' name were recorded over the plot in question in pursuance of the order passed by Consolidation Officer in the year 1994. He further submitted that a highly time barred appeal filed against the order dated 17.06.1994 has been entertained and allowed as well as the plot in question has been vested in the Gaon Sabha without affording proper opportunity of hearing to petitioners. He next submitted that the appeal was not supported by application under Section 5 of the Limitation Act, but the appeal has been allowed in arbitrary manner. He submitted that revision filed by petitioner has been dismissed by the Deputy Director of Consolidation without considering the case as set up in revision.

3. Sri Satendra Bhushan Dubey, learned Standing Counsel for the State, Sri Pankaj Kumar Gupta, learned counsel for the Land Management Committee and Sri Prabhakar Dubey, learned counsel for the complainant submitted that an appeal under Section 11(1) of the U.P.C.H. Act has been allowed in proper manner setting aside the order passed by Consolidation Officer and vesting the plot in question in favour of Gaon Sabha. They further submitted that manipulation was made by the petitioners before the Consolidation Officer for getting the order to record their name over the plot in question, as such the Settlement Officer of Consolidation has examined the matter properly and passed the order to vest the plot in question in Gaon Sabha.

4. Matter requires consideration as to whether a highly time barred appeal filed by the Land Management Committee can be entertained and allowed without notice and opportunity of hearing to the petitioners.

5. State and Land Management Committee shall file counter affidavit within six weeks.

6. Rejoinder affidavit shall be filed within two weeks thereafter.

7. List this matter on 03.07.2025.

8. Until further orders of this Court, the effect and operation of the order dated 23.11.2024 passed by respondent no. 2-Deputy Director of Consolidation and the order dated 10.10.2023 passed by respondent no. 3- Settlement Officer of Consolidation shall remain stayed.

Order Date :- 1.4.2025 Neetu