2026:AHC-LKO:82313

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CIVIL MISC REVIEW APPLICATION DEFECTIVE No. - 428 of 2026

Raj Kumar And Others

.....Applicant(s)

Versus

Deputy Director Of Consolidation Hardoi And 5 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Roshan Kumar, Munesh Pratap Singh, Sudhir Kumar Misra
Counsel for Opposite Party(s)	:	

Court No. - 8

HON'BLE JASPREET SINGH, J.

1. This review petition has been preferred by the original writ petitioners of Writ-B No. 150 of 2026 whereby the writ petition was dismissed by means of order dated 27th February, 2026.

2. The review petition is also accompanied by an application seeking condonation of delay bearing I.A. No. 1 of 2026 which is duly supported by an affidavit.

3. At the outset it may be noticed that the instant review petition has been preferred in respect of a judgment and order passed in writ jurisdiction where the Law of Limitation is not applicable. Where the period of limitation is not applicable in a writ jurisdiction, similarly there cannot be any limitation for filing a review application in respect of orders passed under the writ jurisdiction unless there is any provision provided for the applicability of the Law of Limitation prescribing a limitation for filing review.

4. In absence of any rule, the period of limitation cannot be construed as limiting the power of the court to consider a matter. However, it may be noted that even in the original jurisdiction such as the writ petition, where even the period of limitation may not be prescribed or applicable, yet a writ petition being purely equitable in nature, the writ court can refuse to entertain if it is mired with latches. Hence, the same concept of latches can be imported for considering the application for delay filed by the review petitioner. This Court is fortified in its view in light of the decision

of a coordinate bench of this Court in the case of **Mohd. Jahan Begum and Another vs. Board of Revenue and others, 2016 (11) ADJ 110**.

5. Considering the same and the explanation given in the affidavit in support of the application I.A. No. 1 of 2026, this Court finds that the latches have been explained, hence this Court proceeds to consider the review application on its merit.

6. Sri Sudhir Kumar Mishra, learned counsel for the review petitioner submits that the ancestral property of the petitioner, which was the subject matter of dispute before the consolidation authorities who have incorrectly decided the matter. It is in the given circumstances that the order dated 25.07.2025 came to be passed by the D.D.C., Hardoi, which was challenged in Writ-B No. 150 of 2026. It was further submitted that since substantial rights of the petitioner are involved, hence the writ petition should not have been dismissed on the ground of limitation. It was also urged that the private respondents had got their names incorporated during consolidation operations without notice and information to the petitioner, and since fraud has been played with the review petitioners, hence they were entitled to the benefit of Section 17 of the Limitation Act, and in such circumstances neither the revisional court could have rejected the case and similarly this Court should have taken a liberal view rather than rejecting the writ petition on the grounds of limitation and technicalities, hence the need for the instant review.

7. The Court has heard, learned counsel for the review petitioner, and a specific query was put to the counsel for the review petitioner as to whether he was the counsel who had argued the writ petition, to which he answered in the negative. It was also put to him as to whether he has sought the no-objection from the erstwhile counsel; again, he answered in the negative.

8. In this background, it may be noticed that it is not a healthy practice where review petitions are filed by counsel who did not argue the writ petitions or were the counsel on record when the writ petition was heard. This practice of review petitions being filed by counsel who were not representing the review petitioner in writ petition has been deprecated by the Apex Court in **Tamil Nadu Electricity Board and Another v. N.**

Raju Reddiar and Another, (1997) 9 SCC 736 .

9. Be that as it may, the record would indicate that the revision preferred by the petitioner under Section 48(1) of the U.P.C.H. Act, 1953 attempted to challenge an order dated 04.11.1988 and 12.07.1988, in the year 2025. The record indicates that the revisional court noticed the contentions and held that no explanation worth its name was given by the revisionist (the review petitioner herein) and it also noticed that notification under Section 52 of the U.P.C.H. Act had been made and thereafter it was not appropriate to condone the delay of more than four decades.

10. The order of the D.D.C. was assailed by filing the writ petition after almost six months and the writ court, specifically noting that no reasonable cause for explaining the delay of more than four decades could be established. The writ court also noticed that merely an averment to state that it was not aware of the order passed by the consolidation authorities in itself was not found to be sufficient to condone the delay of more than three decades. Even before this Court in review petition, the review petitioner has come after seven months. In absence of any clear pleadings made before the writ court and ignored by the court while passing the order dated 27.02.2026, it cannot be said to suffer from error apparent on the face of the record.

11. Thus, this Court is satisfied that there is no error apparent on the face of the record nor any criteria could be pointed out which may bring the case of the petitioners within the ambit of review. Grounds raised by the review petitioner relating to their right is an issue of merit which cannot be seen at this stage since the revision before the D.D.C. was dismissed on the ground of limitation and it was the order of the D.D.C. which rejected the revision on the ground of limitation was under challenge before the writ court.

12. Be that as it may, the issue before this Court was only to examine the judgment under review for the purposes of whether the delay could be condoned or not. However, as far as the merits and the rights of the parties is concerned, needless to say even after the notification made under section 52 of the U.P. C.H.Act, 1952 the rights if impaired can be agitated appropriately before the appropriate forum as notice and held by

a Full Bench of this Court in **Kaushal Kishore v. Deputy Director of Consolidation/Chief Revenue Officer, Gonda and others, 2026 (5) ADJ 697 (FB) (LB)**

13. Thus, for all the aforesaid reasons, this Court does not find that there is any merit in the petition, which is **dismissed**.

(Jaspreet Singh,J.)

November 17, 2026
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Digitally signed by :-
ALI NEWAZ KHAN
High Court of Judicature at Allahabad,
Lucknow Bench