



2026:AHC-LKO:40903

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - B No. - 492 of 2026

Rajendra Prasad

.....Petitioner(s)

Versus

Deputy Director Of Consolidation, Bahraich And 3
Others

.....Respondent(s)

Counsel for Petitioner(s)	: Bajrangi Lal Mishra
Counsel for Respondent(s)	: C.S.C., Ashish Raman Mishra, Pankaj Gupta

Court No. - 15

HON'BLE BRIJ RAJ SINGH, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for State, Shri Pankaj Gupta, learned counsel for respondent no.2/Gaon Sabha and Shri Ashish Raman Mishra, learned counsel for respondent no.4.
2. By means of the instant petition, the petitioner has challenged the order dated 11.05.2026 (Annexure No. 2 to the petition) passed by opposite party no. 1/Deputy Director of Consolidation, Bahraich (in short "DDC"), in Restoration Case No.0604/2025 (State Vs. Ram Chhabile) pending in Revision No. 0333/2025 (Ram Chabile Vs. Rajendra Prasad and Ors.).
3. Vide impugned order, the order passed by DDC dated 18.08.2025 has been recalled.
4. It is the case of the petitioner that DDC heard the revision on 18.08.2025 and after hearing the parties and perusing the lower courts records, vide a detailed order dismissed the revision. Thereafter, an application for restoration was filed by District Government Counsel (Revenue), Bahraich with his own signature without enclosing any evidence or document in support of his case, on behalf of Gram Sabha Shivdaha through its Chairman/Secretary Land Management Committee Shivdaha and State without any signature of of chairman of Land Management Committee on 17.09.2025 for setting aside order dated 18.08.2025 passed in the revision revision on the ground that Gata Nos. 1

and 2 are ceiling land and the revision has been decided without issuing any notice to the respondent no. 2 therein and State and without providing any opportunity of hearing. Vide order dated 27.11.2025, DDC passed an ex-parte order staying the effect and operation of the order dated 18.08.2025 till further order and summoned the original record by issuing notice to respondents fixing the date 08-12-2025.

5. He has submitted that on 05.05.2026, due to some family problem the petitioner could not attend the court and in absence of the petitioner and his counsel, DDC fixed the case for order on 11.05.2026 by giving liberty to file written argument/oral arguments before the order.

6. He has further submitted that on 11.05.2026, DDC, vide impugned order, allowed the restoration application dated 17.09.2025 on the ground that the interest of the State is involved in the land in question therefore the restoration application was allowed.

7. Learned counsel for the petitioner has submitted that in the order dated 05.05.2026, DDC has recorded that when the case was called out, none appeared on behalf of the petitioner. Thereafter, the matter was fixed for final judgment and the parties were permitted to file written submissions in the meantime. He has further submitted that while passing the impugned order dated 11.05.2026, DDC has recalled the order dated 18.08.2025 passed in favour of the petitioner, without affording an opportunity of hearing to the petitioner.

8. Learned counsel for the petitioner has submitted that the principle of *audi alteram partem* has been violated in the present case inasmuch as the petitioner ought to have been afforded an opportunity of hearing before passing the impugned order. Only for one date the petitioner could not appear and the impugned order dated 11.05.2026 has been passed without affording any further opportunity of hearing to the petitioner.

9. On the other hand, learned counsel appearing for the Gram Sabha and learned Standing Counsel for State have submitted that the impugned order is merely an innocuous order whereby the earlier order passed by DDC has been recalled on the ground that neither the Gram Sabha nor the State had been afforded a proper opportunity of hearing. They have

further submitted that the interests of the Gram Sabha and the State are involved in the land in question and, therefore, DDC has rightly recalled the earlier order passed in favour of the petitioner.

10. It has also been submitted that the petitioner shall have full opportunity to advance his arguments before DDC and the matter can be decided on merits after adducing the evidence on record.

11. Learned counsel for respondent no. 4 has adopted the submissions advanced by learned counsel for the State as well as learned counsel for the Gram Sabha.

12. After going through the record, the pleadings on record and the submissions advanced on behalf of the parties, the fact remains that on 05.05.2026, when the case was called out, the petitioner was not present and the matter was fixed for final disposal. However, vide the impugned order dated 11.05.2026, DDC recalled the earlier order dated 18.08.2025, without affording any opportunity of hearing to the petitioner.

13. It is also not the case of the respondents that the petitioner had been avoiding the proceedings at any point of time. Merely because the petitioner could not appear on one date, i.e., 05.05.2026, the impugned order recalling the order dated 18.08.2025, without affording any opportunity of hearing to the petitioner cannot be sustained in the eyes of law.

14. Accordingly, this Court is of the opinion that the matter deserves to be remanded to DDC, who shall pass a fresh order after affording adequate opportunity of hearing to all concerned parties.

15. Considering the aforesaid discussion, the writ petition is **allowed**. The impugned order dated 11.05.2026 passed by DDC is set aside. The matter is remanded back to DDC to pass fresh order on Restoration Case No.0604 of 2025.

16. Since all the parties are represented before this Court, they are directed to appear before DDC on 18.06.2026. Since pleadings have already been exchanged and objections have also been filed by the

petitioner before DDC, therefore, the DDC shall proceed to hear the parties and endeavour to decide the matter on 18.06.2026 itself, strictly in accordance with law.

17. It is made clear that this Court has not made any observations on the merits of the case and it shall be open for the DDC to pass order in accordance with law.

(Brij Raj Singh,J.)

June 12, 2026

Mohit Singh/-