



2026:AHC:10110

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 3754 of 2025

Surendra

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Pankaj Kumar Rai, Sandeep Maniji Bakhshi
Counsel for Respondent(s)	: C.S.C., Kaushlendra

Court No. - 54

HON'BLE DINESH PATHAK, J.

1. Heard learned counsel for the petitioner, learned counsel for private respondent no. 3 and learned Standing Counsel for State-respondents.
2. Petitioner has assailed the order dated 26.07.2025, whereby an exparte interim order was granted in favour of respondent no. 4, staying the effect and operation of the order dated 18.07.2025. While entertaining the instant writ petition, this Court passed the following order dated 31.10.2025, which reads as under:-

"1. Certified copy of the application dated 26.7.2025 along with the order dated 26.7.2025 passed by Consolidation Officer is taken on record.

2. Heard learned counsel for the petitioner, Mr. Kaushlendra, learned counsel for the private respondent and Mr. Ajay Kumar Baranwal, learned Standing Counsel for the State.

3. Learned counsel for the petitioner submitted that the Consolidation Officer under Section 9-A (2) of U.P.C.H. Act allowed the restoration application filed by the petitioner after granting the benefit of Section 5 of Limitation Act as well as setting aside the order dated 25.10.2013. He further submitted that the restoration application dated 26.7.2005 has been filed by the private respondent without mentioning any case number and on the same application interim order staying the operation

of the order dated 18.7.2023 has been passed by the Consolidation Officer. He further submitted that the Consolidation Officer concerned was transferred by the Consolidation Commissioner, Uttar Pradesh vide order dated 26.7.2025, as such, no order can be passed by him on 26.7.2025.

4. On the other hand, learned counsel appearing for the private party submitted that the Consolidation Officer was relieved on 28.7.2025, as such, there is no illegality in entertaining the restoration application filed on 26.7.2025.

5. Mr. Ajay Kumar Baranwal, learned Standing Counsel shall obtain instruction in the matter as to whether the Consolidation Officer was holding the charge of the office as Consolidation Officer, Kirtarpur, Jaunpur on 26.7.2025 or not. He shall also obtain instruction as to whether the Consolidation Officer has passed the orders in other cases also on 26.7.2025.

6. Put up this case as fresh on 18.11.2025."

3. Learned Standing Counsel has submitted, on the basis of the instructions, that besides this order, Consolidation Officer concerned has passed the order in another matter as well and he was relieved from the Office on 28.07.2025.

4. Having considered the rival submissions advanced by the learned counsel for the parties and upon perusal of the record, it is manifest that the restoration application was filed on 26.07.2025 against the order dated 18.07.2025. However, on the same date, interim relief has been granted viz., 26.07.2025 sans opportunity of hearing accorded to the present petitioner, who was respondent in the restoration application dated 26.07.2025.

5. In this Conspectus as above, the order dated 26.07.2025 passed by the Consolidation Officer is exparte and is liable to be quashed. As such, the instant writ petition succeeds and is **allowed**. The order dated 26.07.2025 passed by the Consolidation Officer is quashed. The Consolidation Officer concerned is hereby directed to decide the stay application moved by the respondent no.3 along with the restoration application, in accordance with law, expeditiously, preferably within a period of **one month** from the date of production of a certified copy of this order.

7. Before parting with the matter, learned counsel for the respondent no.3

has prayed for interim relief during the pendency of the stay application filed by the respondent no. 3 along with the restoration application dated 26.07.2025.

8. Having regard to the peculiar facts and circumstances of the present case, it is provided that for the period of one month or till the decision on the stay application, whichever ever is earlier, both the parties are directed to maintain **status quo** on spot.

9. It is made clear that the stay application, as mentioned above, shall be decided on its own merits without being influenced with the observation, if any, made by this Court in the order of the day.

January 12, 2026
Neetu

(Dinesh Pathak,J.)