



2026:AHC:16657

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 4995 of 2025

Jabar Singh

.....Petitioner(s)

Versus

Deputy Director Of Consolidation District -
Moradabad And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Jai Prakash Prasad
Counsel for Respondent(s)	: C.S.C., Krishna Kumar Pandey, Manish Kumar Pandey

Court No. - 54

HON'BLE DINESH PATHAK, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel representing State respondent Nos. 1 and 2, as well as learned counsel for the private respondent No. 3 and perused the record.
2. In view of the peculiar facts and circumstances of the present case and the order proposed to be passed hereunder, this Court proceeds to decide the instant writ petition finally on merits, with the consent of the learned counsel for the parties present, without calling for their respective affidavits.
3. The petitioner is aggrieved by the order dated 25.09.2025 passed by the Deputy Director of Consolidation (in brevity 'DDC') in Revision No.0133 of 2025 (Jabar Singh Vs. Preetam Singh @ Preetam), whereby the revision preferred on behalf of the present petitioner has been dismissed on the ground of maintainability, holding that the order dated 15.10.2025 passed by the Settlement Officer of Consolidation (in brevity 'SOC'), allowing the application for condonation of delay under Section 5 of the Limitation Act subject to payment of cost of Rs. 500/-, is interlocutory in nature.
4. Having considered the rival submissions advanced by learned counsel for the parties and upon perusal of the record, it is manifest that the question involved in the instant writ petition lies in a narrow compass; whether an order, terminating the proceedings under Section 5 of the Limitation Act, is interlocutory in nature and whether a revision preferred assailing such an order is maintainable.

5. Preetam Singh (respondent No. 3) had preferred a highly belated appeal dated 25.10.2023/23.11.2023 under Section 11(1) of the U.P. Consolidation of Holdings Act, 1953 (in brevity 'UPCH Act'), assailing the order dated 22.12.1983 passed by the Consolidation Officer in Case No.51 under Section 12 of the UPCH Act, along with the consequential order dated 10.02.2021 passed on Pa Ka-11. The SOC, vide order dated 15.01.2025, condoned the delay and allowed the application under Section 5 of the Limitation Act on the cost of Rs. 500/-, treating the appeal as having been filed within the prescribed period of limitation. Being aggrieved thereby, the present petitioner preferred a revision. The DDC, by the order dated 25.09.2025, dismissed the revision holding that the order allowing the delay condonation application is an interlocutory order; therefore, the revision is not maintainable, which is under challenge before this Court. In this backdrop of the facts and in view of the order proposed to be passed, this Court does not deem it appropriate to delve into the merits of the delay condonation application.

5. It is no more res integra that the DDC has wide power in exercise of its revisional jurisdiction to call for and examine the record of any case decided or proceedings taken by any subordinate authority for the purpose of satisfying himself as to the regularity of the proceedings or as to the correctness, legality, or propriety of any order passed by such authority in the case or proceedings. Explanation 3 to Section 48 of UPCH further elucidates the supervisory jurisdiction of the Revisional Court, whereby the revisional power includes the power to examine any finding, whether of fact or law, recorded by any subordinate authority, and also includes the power to re-appreciate any oral or documentary evidence. For ready reference Section 48 of the UPCH Act is reproduced hereunder:-

"48. Revision and reference.-(1) The Director of Consolidation may call for and examine the record of any case decided or proceedings taken by any subordinate authority for the purpose of satisfying himself as to the regularity of the proceedings; or as to the correctness, legality or propriety of any other [other than an interlocutory order] passed by such authority in the case or proceedings, may, after allowing the parties concerned an opportunity of being heard, make such order in the case or proceedings as he thinks fit.

(2) Powers under sub-section (1) may be exercised by the Director of Consolidation also on a reference under sub-

section (3).

(3) Any authority subordinate to the Director of Consolidation may, after allowing the parties concerned an opportunity of being heard, refer the record of any case or proceedings to the Director of Consolidation for action under sub-section (1).

Explanation (1)— For the purposes of this section, Settlement Officer, Consolidation, Consolidation Officer, Assistant Consolidation Officer, Consolidators and Consolidaiton Lekhpals shall be subordinate to the Director of Consolidation.

Explanation (2)— For the purpose of this section the expression 'interlocutory order' in relation to a case or proceeding, means such order deciding any matter arising in such case or proceedings or collateral thereto as does not have the effect of finally disposing of such case or proceeding.

Explanation (3). -The power under this section to examine the correctness, legality or propriety of any order includes the power to examine any finding, whether of fact or law, recorded by any subordinate authority, and also includes the power to reappraise any oral or documentary evidence."

6. It is not disputed that the provisions enunciated under Section 48 of UPCH Act creates a bar on the exercise of revisional jurisdiction to entertain a revision against any interlocutory order. However, an order allowing or rejecting an application under Section 5 of the Limitation Act amounts to final termination of proceedings relating to limitation and therefore, is amenable to judicial scrutiny by a superior court. Needless to observe that the point of limitation goes to the very root of the jurisdiction of the court concerned. If the particular proceeding is barred by limitation and is not treated as having been filed within the prescribed period of limitation, certainly the court concerned lacks jurisdiction to entertain such proceedings. A Co-ordinate Bench of this Court, in the matter of **Paras Nath Son of Raj Nath v. Deputy Director of Consolidation And Ors.**, after considering the division judgments of this Court in the matter of **Mst. Kailashi v. Deputy Director of Consolidation and others**, reported in **1972 R.D. 80** and **Shanti Prasad Gupta v. Deputy Director of Consolidation and others**, reported in **1984 R.D. 382**, has elucidated the scope of revisional jurisdiction under Section 48 of UPCH Act against the order passed on the application under Section 5 of the Limitation Act. Relevant paragraphs no 10, 14 and 15 of **Paras Nath (supra)** are reproduced

hereinbelow :-

"10. There cannot be any dispute that entertainment of revision is barred against an interlocutory order as per amendments made in Section 48 of the U.P. Consolidation of Holdings Act, 1953. The Explanation No. 2 has also been added explaining the term 'interlocutory order'. The objection under Section 9A(2) was barred by time. The prayer for condoning the delay under Section 5 of the Limitation Act was although in the objection under Section 9A(2) of U.P. Consolidation of Holdings Act, 1953 but has been separately dealt with and decided. The prayer for condonation of delay in filing the objection has to be treated as separate proceeding and after condonation of delay the question of Section 5 Limitation Act was terminated. The word 'proceedings', which has been used in Section 48 is a term of wide import. The proceedings under Section 5 of the Limitation Act stands terminated when an order is passed by Consolidation Officer either condoning or refusing to condone the delay. This can be better explained by taking an example. In a case where condonation of delay is refused by Consolidation Officer, the application shall stand rejected, which will have effect of rejection of the objection also; but in a case where condonation of delay has been allowed although Section 5 proceedings shall come to an end but objection will continue. Can the question of entertainability of revision against such order will vary in a case where the condonation is allowed with a case where condonation is refused. There cannot be any doubt that when condonation is refused, the proceeding is terminated, hence the said order cannot be said to be an interlocutory order within the plain meaning of 'interlocutory order' as defined in Explanation (2) because that terminates the proceedings but drawing a distinction between the cases where condonation is allowed and condonation is refused for purposes of Section 48 of U.P. Consolidation of Holdings Act, 1953 cannot be said to be legislative intent. The revisional power under Section 48 of Deputy Director of Consolidation shall have to be available in both the cases and it cannot be held to be available only in cases where condonation is refused.

14. The judgments, which have been relied by counsel for respondent No. 3 in Paras Nath's case (supra), Sukhjinder Jeet Kaur's case (supra) and Dhanush Raj's case (supra) were the judgments in which earlier Division Bench judgment was not noticed. The Judgment in Paras Nath's case (supra) was relied in Sukhjinder Jeet Kaur's case (supra). The order condoning the delay in filing an objection, which was barred by time cannot be treated to be an interlocutory order not amenable to the revisional jurisdiction of the Deputy Director of Consolidation under Section 48 of U.P. Consolidation of Holdings Act, 1953. Coming to the facts of the present case, the Deputy Director of Consolidation has refused to enter into the merits of condonation and has rejected the revision only on the ground that the order of Consolidation Officer is interlocutory and the revision is not entertainable.

15. In view of the foregoing discussions, it is clear that an order passed by Consolidation Officer condoning the delay in an objection under Section 9A(2) of U.P. Consolidation of Holdings Act, 1953 terminates the proceeding under Section 5 of the Limitation Act, hence the same cannot be treated to be an interlocutory order and is subject to revisional jurisdiction of Deputy Director of Consolidation under Section 48 of U.P. Consolidation of Holdings Act, 1953."

7. In this conspectus, as above, the DDC, while deciding the revision filed on behalf of the present petitioner assailing the order, whereby the delay condonation application was allowed, has reached at an erroneous conclusion that the order allowing the delay condonation application is an interlocutory order; therefore, the revision assailing the said order is not maintainable in the eyes of the law. Proceedings under Section 5 of the Limitation Act are independent proceedings, and their final determination cannot be treated as interlocutory in nature. Thus, the order passed by the DDC dismissing the revision on the ground of maintainability is unsustainable in law and liable to be quashed; accordingly, the revision filed by the present petitioner deserves to be decided on merits.

8. Resultantly, instant writ petition succeeds and is **allowed**. The impugned order dated 25.09.2025 passed by the DDC is hereby quashed. The present matter is remitted before the DDC to decide the revision on merits, after affording due opportunity of being heard to the parties concerned, expeditiously, preferably within a period of three months from the date of production of a certified copy of this order.

January 22, 2026
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(Dinesh Pathak,J.)