



2026:AHC:15464

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 567 of 2026

Shiv Shankar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shive Datta Yadav, Sita Ram
Counsel for Respondent(s)	:	Azad Rai, C.S.C.

Court No. - 2

HON'BLE PRAKASH PADIA, J.

1. In the proceedings initiated against the petitioner by the Gram Sabha under Section 122-B of the U.P.Z.A. & L.R. Act, 1950, which was registered as Case No.203/80/301/2000/05, an order was passed for eviction of the petitioner from the land in question on 13.04.2005. Aggrieved against the aforesaid time barred appeal being Appeal No.641 of 2025 (Computer Case No.0202502250000641) was filed by the petitioner before the Collector, Fatehpur/respondent no.2 under Section 67 (5) U.P. Revenue Code, 2006 along-with application for condonation of delay in the month of May, 2025. The aforesaid appeal was dismissed by the respondent no.2 on the ground of laches as well as on merits. Aggrieved against the aforesaid petitioner has preferred present writ petition.

2. Heard learned counsel for the parties and perused the records.

3. From perusal of the order dated 13.04.2025 passed by the respondent no.3, the Court is of the opinion that the aforesaid order has been passed in complete violation of principles of natural justice as well as law laid down by this Court in the case of ***Rishipal Singh Vs. State of U.P. and others*** reported in **2023 (1) AWC 4**. Apart from the same, when the appeal was filed along-with the application for condonation of delay the appellate authority was free either to dismiss the appeal on laches or after condoning the delay the appeal should be decided on merits but in the present case the appeal was decided by one order on laches as well as on merits. It is clear from perusal of the record that there is a considerable delay in filing the appeal. The appeal was statutory in nature. It is settled

law that in case statutory appeal is filed, appellate authority is duty bound to decide the same by giving reasons.

4. In the facts and circumstances of the case and also in the interest of justice, petitioner is directed to deposit a cost of Rs.2,000/- in favour of High Court Bar Association, Allahabad and submit proof of receipt before the respondent no.2. If it is so the respondent no.2 is directed to decide the appeal filed by the petitioner strictly in accordance with law on merits after condoning the delay in filing the appeal.

(Prakash Padia,J.)

January 21, 2026
Pramod Tripathi