

Court No. - 39

Case :- WRIT - C No. - 24658 of 2023

Petitioner :- Lekhraj Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Krishna Kanhaiya Soni

Counsel for Respondent :- C.S.C., Dharmendra Singh Chauhan

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

1. Heard Shri Krishna Kanhaiya Soni, learned counsel for the petitioner, Shri Dharmendra Singh Chauhan, learned counsel for the Development Authority and learned Standing Counsel for the State.
2. Undisputedly against the order dated 16.06.2023 passed by appeal authority under Section 27(2) of U.P. Urban Planning and Development Act, 1973 (hereinafter referred to as 'the Act'), the petitioner has a remedy of revision before the State Government under Section 41 (3) of the Act.
3. In face of statutory alternative remedy of revision available, interference claimed under Article 226 of the Constitution of India is declined.
4. Since the petitioner is faced with demolition, we **dispose of** the writ petition with the direction, in case the petitioner files such revision within a period of three weeks from today along with stay application, the revision authority may proceed to deal with the revision along with stay application, as expeditiously as possible, such that the appropriate orders may be passed on the stay application within a period of three weeks from the date of compliance shown by the petitioner.
5. For a period of two months from today, subject to such compliance shown by the petitioner, no coercive measures may be adopted against the petitioner pursuant to the impugned order dated 16.06.2023.

Order Date :- 2.11.2023/SA

(Shiv Shanker Prasad, J.)

(S.D. Singh, J.)