

Court No. - 39

Case :- WRIT - C No. - 30213 of 2023

Petitioner :- Shahid Ali

Respondent :- Nagar Panchayat Dasna And Another

Counsel for Petitioner :- Iqbal Ahmad, Saleem Ahmad

Counsel for Respondent :- C.S.C.

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Syed Aftab Husain Rizvi, J.

1. Having heard Sri Iqbal Ahmad, learned counsel for the petitioner and Sri Harshit Pathak, learned standing counsel, appearing for the State, at present it transpires that the petitioner is aggrieved by the notice dated 04.08.2023, proposing to demolish the petitioner's constructions. That notice has been issued to the petitioner by Nagar Panchayat, Dasna, District Ghaziabad.

2. Petitioner claims that construction raised by him is wholly legal, however, the notice has been issued to forcibly demolish his construction. In that regard, the petitioner further claims to have filed objection and copy of the same is annexed to the writ petition.

3. The facts are unascertained. While no demolition has been made pursuant to the impugned notice, at present objection filed to the said notice is also pending and the respondent authority has not taken final decision on it.

4. Accordingly, no useful purpose would be served in keeping the petition pending and calling for any counter affidavit. The writ petition is disposed off finally with a direction that subject to the filing of fresh objection/representation by the petitioner before

respondent no.1 supported by his personal affidavit, enclosing therewith all relevant documents within two weeks from today, the said objection/representation shall be dealt with and decided, in accordance with law, by a reasoned and speaking order as expeditiously as possible, preferably within a period of one month from the date of receipt of a copy of this order.

5. For a period of two months or till disposal of objection filed by the petitioner whichever is earlier, no coercive measures shall be adopted against the petitioner pursuant to impugned notice dated 04.08.2023.

Order Date :- 28.10.2023

MN/-

(S.A.H.Rizvi, J.) (S. D. Singh, J.)