

**Court No. - 40**

**Case :-** WRIT - C No. - 29168 of 2023

**Petitioner :-** Updesh Kumar Rathore And 9 Others

**Respondent :-** State Of U.P. And 5 Others

**Counsel for Petitioner :-** Naveen Bajpai

**Counsel for Respondent :-** C.S.C.,Anurag Singh,Kamla Singh,Narendra Kumar

**Hon'ble Mahesh Chandra Tripathi,J.**

**Hon'ble Prashant Kumar,J.**

1. Heard learned counsel for the petitioners; Shri S.C. Upadhyay, learned Standing Counsel for the State respondents; Shri Anurag Singh, learned counsel for respondent no.3 and Shri Narendra Kumar, learned counsel for respondent no.6.

2. The instant writ petition has been filed seeking the following reliefs-

*"i) to issue a writ, order or direction in the nature of certiorari quashing/setting aside the notice no.202-1C-AEI/Com, dated 08.08.2023, under Section 441 IPC issued by respondent no.5 for the removal/demolition of the shops of the petitioners respectively.*

*ii) to issue a writ or direction in the nature of mandamus commanding the respondent authorities to conduct the survey of the area concerned by Town vending Committees/Municipal Authorities, registering the existing street vendors there, in accordance with the norms laid down in the Act, and issue Vending Certificate/Licence/Identity Card to the petitioners and relocate them accordingly to any other notified Vending Zone/Area, as recognized by the concerned Authorities."*

3. In response to the order dated 06.09.2023, Shri S.C. Upadhyay, learned Standing Counsel has placed instructions send by Executive Engineer, Nirmaan Khand-I, Public Works Department, Kanpur Dehat. The same is taken on record. On the strength of averment mentioned in the said instructions, he submits that the relief, as has been prayed for, cannot be accorded as only a notice has been issued to the petitioner. The petitioner can always file an objection to the said notice, which would be considered in accordance with law.

4. We have the occasion to peruse the record and find substance in the arguments advanced by learned Standing Counsel. Once a notice is issued to the petitioner, he must file appropriate reply/objection to the said notice.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue and with the consent, the writ petition stands **disposed of** with observation that in case the petitioner files objection to the impugned notice, definitely the respondent authority would proceed in accordance with law.

**Order Date :-** 1.11.2023

A. Pandey