

Chief Justice's Court

Case :- WRIT - C No. - 31340 of 2023

Petitioner :- M/S Mahesh Glass Works And Another

Respondent :- Firozabad Shikohabad Development Authority And 2 Others

Counsel for Petitioner :- Himanshu Singh, Nitin Jain, Sr. Advocate

Counsel for Respondent :- Dharmendra Singh Chauhan, Abhinava Krishna Srivastava

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

1. Heard Shri Chandan Sharma under the authority of Shri Nitin Jain, learned Senior counsel for the petitioners, Shri Dharmendra Singh Chauhan, learned counsel representing Firozabad-Shikohabad Development Authority and Shri Abhinava Krishna Srivastava, learned counsel appearing for respondent No. 3.

2. The petitioners are aggrieved by the action of the respondents in proceeding to demolish the property of the petitioners consequent to the notices dated 19.05.2023, 14.06.23, 13.07.2023 and 11.08.2023.

3. Learned counsel for the petitioners submits that there is no encroachment on their part and they have raised their construction on the land purchased under registered sale-deed.

4. However, learned counsel for the respondents have invited the attention of the Court to notice dated 31.07.2023, wherein, encroachment to the extent of 12.50 meters has been attributed to the petitioners.

5. Learned counsel for the petitioners further submits that they have already filed objection to the aforesaid notices on 14.08.2023 which is pending consideration. He also submits that till the decision is taken by the authorities on the objection so filed, no demolition activity be undertaken.

6. Learned counsel for the respondents submits that the objection of the petitioners would be considered, in accordance with law by passing a reasoned and speaking order and only thereafter, the demolition activity would be undertaken.

7. We permit the petitioners to substantiate their objection by filing any additional documents, if they so desire.

8. Accordingly, the present petition is **disposed of** directing the Municipal Commissioner, Firozabad to look into the objection filed by the petitioners and pass an appropriate order on the objection and any additional documents that the petitioners file within a period of two weeks from today along with certified copy of this order. The order would be passed within a period of three weeks from the date of service of certified copy of the order of this Court.

9. Till the decision is taken on the objection, no coercive steps shall be taken against the petitioners consequent to impugned notices.

Order Date :- 16.10.2023

Mukesh Pal

(Ashutosh Srivastava, J) (Pritinker Diwaker, CJ)