

Court No. - 6

Case :- WRIT - C No. - 30438 of 2023

Petitioner :- Sanjeev Krishna Thakur Jee @ Sanjeev Kumar
Sharma

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

Counsel for Petitioner :- Raghwendra Prasad Mishra, Avneesh
Tripathi

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

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Raghwendra Prasad Mishra, learned counsel for the petitioner, Mr. Dharmendra Singh Chauhan, learned counsel for respondent nos.2 and 4 and learned Standing Counsel for the State-respondents.

The writ petition has been filed by the petitioner with a prayer to quash the impugned orders dated 19.11.2003, 07.12.2017, 04.08.2023 passed by respondent nos.4, 2 and 1 respectively. It is further prayed to direct the respondents not to give any effect of the impugned orders dated 07.12.2017, 19.11.2003 passed by respondent nos.2 & 4 respectively and the respondents may be restrained from demolishing the house of the petitioner situated in Plot No.2 (Khasra No.101) situated in Village Rajpur Khadar Vrindavan Tehsil, District Mathura.

Brief facts of the case; in the proceeding initiated against the petitioner under U.P. Urban Planning Development Act, 1973, certain directions were issued in Public Interest Litigation No.2593 of 2010, accordingly, the publication was made in the year 2017 regarding some demolition order passed in the year 2003. After coming to know about the aforesaid order, the petitioner being

aggrieved, filed Writ C No.47299 of 2017 along with few others, in which, the co-ordinate Bench of this Court vide order dated 13.10.2017 directed the respondents-authority not to take any coercive action either against the petitioners, or the persons named in the list (Annexure 4-A), if they file appeals within four weeks from that date or if their appeals, that are already filed, are still pending consideration, till the appeals are heard and decided finally by the Appellate Authority. In all such cases, the Appellate Authority was directed to consider and decide the appeals, within a period of six weeks from that date, on merits, in accordance with law. It was also mentioned that it was open to the respondent-Authority to implement the demolition order, if adverse order was passed in the appeal.

Learned counsel for the petitioner submits that the authorities concerned have rejected the appeal filed by the petitioner as time barred which is under teeth of the order passed by this Court in Writ C No.47299 of 2017 as it was clearly directed to decide the appeal on merits in accordance with law.

Mr. D.S. Chauhan, learned counsel for the development authority could not dispute the aforesaid facts.

I have very carefully examined the submissions made by the learned counsel for the parties and perused the impugned order as well as the other materials brought on record.

Under such circumstances, the impugned order dated 07.12.2017 passed by the respondent no.2, Commissioner, Agra Division, Agra/Chairman Vrindavan Development Authority, Mathura, is **set aside**. The matter is remitted to the appellate authority i.e. respondent no.2, to decide the appeal, as filed by the petitioner, on

merits, in accordance with law, by means of a reasoned and speaking order, as expeditiously as possible, preferably within a period of **three months**, from the date of production of a certified copy of this order.

For the period of three months of till final decision of the appeal, whichever is earlier, no coercive action shall be taken against the petitioner.

With the aforesaid observations/directions, the writ petition stands **allowed**, accordingly.

Order Date :- 29.11.2023
Rahul.