

Court No. - 39

Case :- WRIT - C No. - 32073 of 2023

Petitioner :- Goverdhan Singh And 10 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Pawan Kumar Rao, Karunesh Pratap Singh

Counsel for Respondent :- C.S.C., Aditya Bhushan Singhal

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Surendra Singh-I, J.

1. Having heard Sri Pawan Kumar Rao learned counsel for the petitioners and Sri Shadab Husain learned counsel holding brief of Sri Aditya Bhushan Singhal learned counsel for the respondent Nos. 2, 4 and 5 and the learned Standing Counsel for the State respondents, it transpires that the petitioners have been visited with notice dated 02.5.2022 seeking to demolish the construction allegedly raised by the petitioners over Khasra No. 2268 admeasuring 0.6920 hectare, village Rabupura, Pargana and Tehsil Jewar, District Gautam Budh Nagar. The petitioners further claim to have submitted a detailed written reply thereto dated 26.5.2022. Copy of the notice and reply has been annexed to the writ petition.

2. In the above fact context, it has been asserted that though no order has been passed on the petitioners' reply to the notice dated 02.5.2022, the respondent authorities are verbally threatening the petitioners with demolition. At the same time, assertion has also been made that the respondents seek to acquire the land of the petitioners.

3. On the other hand, learned counsel for the respondents would submit that any action that may be taken would be strictly in accordance with law. As to the status of the proceedings initiated by notice dated 02.5.2022, it does appear that the same

have remained pending.

4. In view of the above, no useful purpose may be served in keeping this petition pending or calling for counter affidavit at this stage. Accordingly, writ petition is **disposed of** with a direction upon respondent No. 5, in case the proceedings initiated by notice dated 02.5.2022 are pending, the said authority shall issue a fresh notice fixing appropriate date and pass reasoned and speaking order on the petitioners' objection after affording due opportunity of hearing. Such exercise may be completed within a period of two months from today.

5. For a period of two months from today or till decision on the petitioners' objection, whichever is earlier, no coercive measures may be adopted against the petitioners.

Order Date :- 27.10.2023

Faraz

(Surendra Singh-I, J.)

(S. D. Singh, J.)