

Court No. - 46

Case :- WRIT - C No. - 33471 of 2023

Petitioner :- Suman Kapoor And 8 Others

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

Counsel for Petitioner :- Vinayak Mithal

Counsel for Respondent :- C.S.C.,Kaushalendra Nath Singh

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

It transpires that on a group housing plot no. GH -08, Sector 75, carved out by the respondent NOIDA (Authority) a multistoried building has been constructed known as Golf City. It is asserted by the petitioners that certain kiosks have been established by the petitioners on the basis of agreement executed between the petitioners and builder, from time to time. According to the petitioners they have not been put to any notice and the Authority is contemplating to evict them, by removing their kiosks, for which a communication has been sent to the concerned Deputy Commissioner of Police by the Additional Chief Executive Officer of the Authority on 08.05.2023 requiring police help for the purpose. It is asserted on behalf of the petitioners that in the absence of notice or opportunity the petitioners are likely to be prejudiced by the action of the Authority.

Sri K. N. Singh, learned counsel appearing for the respondent Authority states that in fact the builder has allowed setting up of kiosks much beyond the permissible numbers and objections have been raised by the Resident Welfare Association with request to remove such kiosks. It is further stated that notices have been issued to the concerned builder and that separate notices are not required to be issued to the licensee (petitioners) of the builder.

In the facts of the case, it appears that no specific order has been passed against the present petitioners. The status of petitioners otherwise is that of a licensee of the builder. In the event notices have been issued to the builder, as is stated by the counsel for the Authority, reply in support of such notices are required to be submitted by the builder. There exists no privity of contract between the petitioners and the residents' society.

In that view of the matter, we are not inclined to issue any direction at the instance of present petitioners in the matter. Liberty, however, stands reserved to the petitioners to represent

their grievance before the builder or the Authority and it goes without saying that such grievance of the petitioners shall be dealt with in accordance with law.

Subject to the above observations, this writ petition is consigned to records.

Order Date :- 21.11.2023

Ashok Kr.