

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2329 of 2023

Petitioner :- Sunil Kumar Agnihotri

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Prabhakar Awasthi

Counsel for Respondent :- C.S.C.,Anand Prakash Paul

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Ashutosh Srivastava,J.

1. The present writ PIL has been filed seeking issuance of mandamus commanding the Kanpur Development Authority, Kanpur to undertake the demolition of the structures raised over property Nos. 81A, 82A, 83A & 84A of Mauja Arra, Kanpur Nagar.

2. Learned counsel for the petitioner has invited the attention of this Court to an order dated 20.12.2022 passed in Writ-C No. 39104 of 2022 (Krishna Foundation Academy vs. State of U.P. and others) which was disposed of relegating the petitioner therein to approach the State Government under Section 41(3) of the U.P. Urban Planning and Development Act, 1973.

3. Learned Standing Counsel submits that the proceedings before the State Government under Section 41(3) of the U.P. Urban Planning and Development Act, 1973 is still pending consideration and the petitioner may await the outcome of the said proceedings.

4. In view of the above, learned counsel for the petitioner prays for withdrawal of the writ petition at this stage.

5. The petition is, accordingly, dismissed as withdrawn at this stage, leaving it open to the petitioner to agitate the issue once the proceedings under Section 41(3) of the U.P. Urban Planning and Development Act, 1973 is finalized.

Order Date :- 30.10.2023

Brijesh Maurya

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