

Chief Justice's Court

Case :- WRIT - C No. - 35823 of 2023

Petitioner :- Gaurav Kumar

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Avadh Raj Sharma

Counsel for Respondent :- C.S.C., Shiv Prakash Gupta

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Undisputedly, the order dated 04.07.2022 passed by the Zonal Officer, Zone-B, Meerut Development Authority, Meerut under Section 27 (1) of U.P. Urban Planning and Development Act, 1973 is appealable order and the appeal lies to the Chairman/Commissioner Development Authority.

Learned counsel for the petitioner submits that the petitioner has apprehension that appeal may be dismissed holding it to be time barred, therefore, direction may be issued to the Appellate Authority to decide the appeal on merits ignoring point of limitation.

Learned counsel appearing for the respondent has no objection to the aforesaid proposition.

In view of the above, without expressing any opinion on the merit of the case, the petition is **disposed of** permitting the petitioner to file an appeal before the Appellate Authority and in the eventuality of filing any such appeal, the Appellate Authority is directed to decide the Appeal on its own merit, ignoring the point of limitation.

If any, interim application is filed, the same may also be considered by the Appellate Authority

Order Date :- 16.10.2023

Amit/-

(Ashutosh Srivastava, J.)

(Pritinker Diwaker, C.J.)