

Court No. - 21

Case :- WRIT - C No. - 35615 of 2023

Petitioner :- Sadik Zafar

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

Counsel for Petitioner :- Firdos Ahmad, Mahesh Kumar

Counsel for Respondent :- C.S.C., Mohd. Aslam Khan

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. Heard Sri Firdos Ahmad, learned counsel for the petitioner and Sri Nayab Ahmad Khan, learned counsel appearing on behalf of Nagar Palika.
2. The instant petition has been filed praying for quashing of the notice dated 09.06.2023 issued by respondent no. 3 directing the petitioner to forthwith stop the constructions being raised by him failing which coercive measures will be taken against him. The said warning has been issued on the footing that there is no sanctioned plan of the constructions which are under way.
3. Counsel for the petitioner submits that the building plan of the petitioner was sanctioned on 16.11.2022 (Annexure 11). The duration of the sanction order was one year. The said period has yet not expired and therefore, the recital in the impugned notice that there is no sanctioned plan, is incorrect.
4. Counsel for the petitioner further submits that the petitioner has filed detailed objection on 17.06.2023 and prays that the respondents be directed to decide the same.
5. Learned counsel appearing on behalf of respondents no. 2 and 3 submits that in the sanction order there was condition that in case there is any pending litigation in respect of the subject land the

sanction order would stand cancelled.

6. In the impugned notice, there is no finding that sanction order is being treated to be cancelled on any ground whatsoever, rather the order states that the petitioner was raising constructions without having any sanctioned plan. Therefore, we direct the third respondent to pass a speaking order on the objection that may be filed by the petitioner within two weeks from today alongwith true attested copy of the instant order. The decision will be taken within next four weeks and will be communicated to the petitioner soon thereafter.

7. In the meantime, no coercive action shall be taken against the petitioner in pursuance of impugned notice. At the same time, the petitioner will also not raise any further construction until decision is taken by respondent no. 3 in compliance of the instant order.

8. The petition stands **disposed of** accordingly.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 23.11.2023

Ruhi H.