

Court No. - 39

Case :- WRIT - C No. - 38415 of 2023

Petitioner :- Jameel Khan

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Pradeep Kumar Pal, Mahendra Singh

Counsel for Respondent :- A.S.G.I., C.S.C., Gaurav Kumar Chand

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

1. Having heard learned counsel for the petitioner, Sri Gaurav Kumar Chand, learned counsel for the respondent no. 1 and learned Standing Counsel for the State- respondent and perused the record, at present the petitioner objects to the grant of no objection certificate by the District Magistrate, in favour of the respondent no. 3. The petitioner claims pre-existing dispute between him and Ramesh Chandra, Sudhir Kumar, Smt. Vinita and Smt. Hemlata with respect to the land forming subject matter of the no objection certificate issued by the District Magistrate. Reference has been made to pendency of Original Suit No. 847 of 2005 (Zameel Khan Vs. Ramesh Chandra and 5 Others).

2. Learned counsel for the petitioner further states, the petitioner had no knowledge of the no objection certificate applied for by Ramesh Chandra and therefore he could not raise any objection before the District Magistrate at the relevant time.

3. In view of such facts, while no interference is warranted in the writ petition, at this stage, it is left open to the petitioner to make a proper application before the District Magistrate, Aligarh supported by his personal affidavit annexing thereto all relevant documents and records to establish his interest in the property with

respect to which the no objection certificate dated 25.03.2023 has been issued by the said authority.

4. Subject to such objection being filed within a period of two weeks from today, the same may be dealt with and decided on its own merit by a reasoned and speaking order after hearing all necessary parties, preferably within a period of three months from the date of compliance shown. The no objection certificate dated 25.03.2023 shall remain subject to the final outcome of the objections raised by the petitioner.

5. With the above observations, the writ petition is **disposed of**.

Order Date :- 16.12.2023

SK Srivastava

(Shiv Shanker Prasad,J.) . . . (S.D. Singh,J)