

Court No. - 21

Case :- WRIT - C No. - 36759 of 2023

Petitioner :- Barkat Ali Khan

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Manu Khare, Jahangir Haider

Counsel for Respondent :- C.S.C., Sant Ram Sharma

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The instant petition has been filed praying for a writ of mandamus restraining respondent authorities from demolishing the house of the petitioner and decide the representation dated 03.08.2023.

2. Shri Sant Ram Sharma, learned counsel appearing on behalf of Nagar Palika Parishad, Banda (respondent) is in receipt of instructions. He states that the constructions of the petitioner are encroachment over public road. He further states that Nagar Palika Parishad has not given any notice to the petitioner so far, however, as and when it decides to demolish the constructions, it would follow due process of law.

3. Having regard to the aforesaid stand of the Nagar Palika Parishad, the instant petition is **disposed of** by providing that the respondents will not demolish the constructions of the petitioner without following due process of law.

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

Order Date :- 30.11.2023

Brijesh Maurya