

Court No. - 21

Case :- WRIT - C No. - 36520 of 2023

Petitioner :- Smt. Vidyawati And 2 Others

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

Counsel for Petitioner :- Narendra Kumar Giri

Counsel for Respondent :- CSC, Arun Kumar, Harsh Vardhan Gupta

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Donadi Ramesh, J.

1. The instant petition has been filed praying for a writ of mandamus commanding the respondents not to disturb the possession of the petitioners over Khasra Plot No.233 (Part), measuring 0.251 hectare, Village Keorakh Uparhar, Pargana Arai, Tehsil Karchhana, District Prayagraj without formal acquisition and payment for compensation.

2. On 19.10.2023, we granted time to learned counsel for respondent no.2 to obtain instructions. In pursuance thereof, he is in receipt of instructions from respondent no.2 wherein it is not denied that the aforesaid land belongs to the petitioners. The stand taken is that a notice under Section 27 (1) of U.P. Urban Planning and Development Act, 1973 was issued to the petitioners on 14.09.2023 and in response whereof the petitioners have filed their reply on 30.09.2023. It is stated that after examining the reply, further action would be taken.

3. As it is not disputed that the land which is subject matter of the instant petition is owned by the petitioners, therefore, the respondents are restrained from dispossessing the petitioners except in accordance with law. However, this would be without prejudice to the right of respondent no.2 to take appropriate action, if so warranted, in proceedings under Section 27 (1) of the U.P. Urban Planning and Development Act, 1973 which is regarding illegal constructions allegedly raised by the petitioners over their land.

4. The petition stands disposed of accordingly.

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

Order Date :- 3.11.2023

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