

Chief Justice's Court

Case :- WRIT - C No. - 37699 of 2023

Petitioner :- Haji Izlal

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

Counsel for Petitioner :- Yogesh Kumar Mishra, Satish Kumar Pandey

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

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

1. Undisputedly, the order dated 22.09.2023 passed by the Prescribed Authority, Meerut Development Authority, Meerut, Respondent No. 3 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.

2. 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 the point of limitation.

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

4. 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 within a period of three weeks from today and in the eventuality of filing any such appeal, the Appellate Authority is directed to consider all the aspects of the case and decide the Appeal on its own merits, ignoring the point of limitation within a period of three weeks from the date of filing the appeal.

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

6. For a period of three weeks or till such decision is taken, whichever is earlier, no coercive action shall be taken against the petitioner in pursuance to the impugned notice.

Order Date :- 1.11.2023

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(Ashutosh Srivastava, J.) (Pritinker Diwaker, C.J.)