

Chief Justice's Court

Case :- WRIT - C No. - 37732 of 2023

Petitioner :- Rakesh Dwivedi

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

Counsel for Petitioner :- Abhinav Kumar Pandey

Counsel for Respondent :- CSC, Anand Prakash Paul

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for State and Shri Anand Prakash Paul, learned counsel appearing for respondent Nos. 2 to 4.
2. Challenge in this writ petition is to the order dated 22.09.2023 passed by the Vice-Chairman, Kanpur Development Authority, respondent No. 3, rejecting the claim of the petitioner assailing the cancellation of his lease.
3. Learned for the petitioner fairly submits that the petitioner has an alternative remedy of approaching the State Government by filing a revision under Section 41(3) of U.P. Urban Planning and Development Act, 1973. He, however, submits that some protection may be granted to the petitioner till filing of the revision. He further prays that the revision may be dismissed on the ground of limitation and therefore, the Revisional Authority may be directed to decide the same ignoring the point of limitation.
4. Learned counsel appearing for the respondents has no objection to aforesaid proposition.
5. Without expressing any opinion on the merit of the case, the writ petition is **disposed of** permitting the petitioner to file revision before the State Government within three weeks from today. The petitioner would also be entitled to file application for interim relief before the Revisional Authority, who shall decide the same within a period of two weeks from the date of filing of the revision.
6. Till five weeks from today, no coercive steps shall be taken against the petitioner.

Order Date :- 1.11.2023

Mukesh Pal

(Ashutosh Srivastava, J) (Pritinker Diwaker, CJ)