

Chief Justice's Court

Case :- WRIT - C No. - 37647 of 2023

Petitioner :- Muzaffar Ali And Another

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

Counsel for Petitioner :- Mohd. Asim Zulfiquar

Counsel for Respondent :- C.S.C., Pawan Kumar Singh

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

1. Heard Shri Mohd. Asim Zulfiquar, learned counsel for the petitioners, Shri Harshit Pandey, learned counsel appearing for respondent Nos. 2 and 3 and Shri Ankit Gaur, learned Standing counsel appearing for respondent No. 1.

2. The challenge in this writ petition is to the show cause notice dated 08.09.2023, issued by respondent No. 2-Zonal Officer Zone No. 4, Prayagraj Development Authority, Prayagraj under Section 27 (1) of U.P. Urban Planning and Development Act, 1973 on the ground that the petitioners are stated to have encroached upon the public road by raising constructions without proper sanction of map.

3. Learned counsel for the petitioners submits that they have already filed objections to the said show cause notice which is pending consideration with the respondents. He further submits that purpose of filing the present writ petition shall stand served if a direction is issued to the respondent No. 2 to pass appropriate orders on the pending objections within a time frame prescribed by this Court.

4. Shri Harshit Pandey, learned counsel for the contesting-respondents submits that necessary orders would be passed on the pending objections of the petitioners within a period of four weeks.

5. This Court is of the opinion that no useful purpose would be served by keeping the writ petition pending and it is accordingly, disposed of requiring the respondent No. 2, who is seized with the objections of the petitioners, to consider and pass appropriate orders thereon within a period of four weeks from the date of service of a certified copy of this order. We also permit the petitioners to file additional grounds, if any, assailing the show

cause notice in support of the earlier objections.

6. It is expected that respondent No. 2 shall proceed to consider all aspects of the matter and pass appropriate order strictly, in accordance with law, without being influenced by any observations made by us.

7. Till four weeks from today or till disposal of the objections of the petitioners, whichever is earlier, no coercive action shall be taken against the petitioners consequent to the impugned show cause notice.

Order Date :- 1.11.2023

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