

Court No. - 39

Case :- WRIT - C No. - 37439 of 2023

Petitioner :- Suresh

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

Counsel for Petitioner :- Avadh Raj Sharma

Counsel for Respondent :- C.S.C., Suresh C. Dwivedi

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

1. Heard Sri Satish Chandra Dubey, Advocate holding brief of learned counsel for the petitioner, Sri J.N. Maurya, learned counsel for respondent nos. 2 and 3 and learned Standing Counsel for the State.

2. It is observed, the impugned order dated 12.9.2023 is appealable under Section 28-A(4) of the U.P. Urban Planning and Development Act, 1973.

3. In view of such efficacious alternative remedy available, interference claimed in exercise of extraordinary jurisdiction of the Court under Article 226 of the Constitution of India is declined. Without entering into the merits, the writ petition is **disposed of** with the observation, in case the petitioner files statutory appeal against the impugned order within a period of three weeks from today, that appeal may be entertained on its own merits without raising any objection as to the limitation.

4. Subject to the compliance shown by the petitioner the appeal itself may be heard and decided expeditiously without causing any undue delay.

Order Date :- 9.11.2023

Abhishek Singh

(Shiv Shanker Prasad, J.) (Saumitra Dayal Singh, J.)