

Chief Justice's Court

Case :- WRIT - C No. - 37499 of 2023

Petitioner :- Smt. Suggan Devi And 4 Others

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Anand Kumar Yadav, Sr. Advocate

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

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

1. Heard Sri C.B. Yadav, learned Senior Counsel assisted by Sri Anand Kumar Yadav, learned counsel for the petitioners, Sri Harshit Pandey, learned counsel for the Prayagraj Development Authority and Sri Birendra Kumar, learned counsel for respondent no.6.

2. The petitioner are residents of village Ustapur Mahmudabad Uparhar, Pargana Jhunsi, Tehsil Phulpur, district Prayagraj. Their apprehension is that under the garb of road widening work, their private land may be occupied by the respondent development authority without paying compensation and without following due procedure of law.

3. Learned counsel for the petitioners submits that if any illegal construction has been made by the petitioner on the government land, certainly the authorities are within their right to remove it. However, if on the personal land of the petitioners, any construction is made, the same cannot be demolished without paying adequate compensation and without following due procedure of law.

4. Sri Harshit Pandey, learned counsel for the Prayagraj Development Authority submits that most of the people residing in the vicinity have made illegal construction and balconies are jutting out into the public road creating hurdles for traffic and causing lot of difficulties to the public. He further submits that private land of the petitioners would not be utilized for widening of the road or any other work without paying compensation to the petitioners.

5. Learned counsel appearing for the parties have agreed that the

documents as sought by the local bodies would be submitted before it, as and when required.

6.Considering the submissions made by the parties, nothing further requires to be adjudicated at this stage. The writ petition is **disposed of** with a direction to the respondents not to take land of the petitioners or utilize it for widening of the road without following due procedure of law. In case the land owned by the petitioners is to be utilized for widening of the road or for any other work, the same would firstly be acquired and then the Authority would proceed to utilize the land for road widening or otherwise.

Order Date :- 31.10.2023

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