

Court No. - 21

Case :- WRIT - C No. - 39878 of 2023

Petitioner :- Islam And 2 Others

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

Counsel for Petitioner :- Gautam Kumar

Counsel for Respondent :- C.S.C., Vinayak Nath Singh

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Kshitij Shailendra, J.

1. Supplementary affidavit filed today is taken on record.
2. The petitioners have challenged the *vires* of Sections 9 and 10 of the Uttar Pradesh Industrial Area Development Act, 1976 (hereinafter referred to as 'the Act, 1976') and have also prayed for a direction to the respondents to grant permission to them to raise constructions with further prayer for a direction to the respondents not to acquire the land of the petitioners in future as it is their '*Abadi*' land.
3. It is not disputed that the subject land bearing Gata No.0.558 area 2.061 hectares and Gata No.130/1 area 2.202 hectares of Village Jhanjhar, Pargana and Tehsil Sikandrabad, District-Bulandshahr was notified as 'Industrial Development Area' under Section 2(d) of the Act, 1976.
4. Counsel for the petitioner admits that there is typing mistake in 'paragraph 3' of the writ petition wherein he has stated that the subject land is situated in Village Ghaghar. He states that infact the land is situated in 'Village Jhanjhar' and not in 'Village Ghaghar'. According to him, it is an inadvertent typing mistake, therefore, we proceed on the basis that the subject land is situated in Village Jhanjhar.
5. Indisputably, a notification dated 18.12.2015 was also issued under Article 243-Q of the Constitution of India declaring the land of Village Jhanjhar as 'Industrial Township'.
6. The case of the petitioners is that Section 9 of the Act, 1976 is for obtaining permission and as per Section 10 of the Act, 1976, if any construction is raised without permission of the Authority, the same is illegal, therefore, both the Sections are illegal, arbitrary

and violative of the basic feature of the Constitution of India. It is also stated in paragraph 21 of the writ petition that similar controversy was decided by this Court in Writ C No.35545 of 2022 (Amrita Bhati v. State of U.P. And 3 Others) and it was dismissed by order dated 03.04.2023.

7. Counsel for the petitioners concedes that the controversy involved herein is concluded by judgment dated 03.04.2023 in the aforesaid writ petition though the same is under challenge before the Supreme Court.

8. Therefore, the instant petition is also **dismissed** for the reasons stated in the judgment and order dated 03.04.2023 passed in Writ C No.35545 of 2022.

Order Date :- 13.12.2023

Jyotsana

(Kshitij Shailendra, J.) (Manoj Kumar Gupta, A.C.J.)