

Chief Justice's Court

Case :- WRIT - C No. - 38224 of 2023

Petitioner :- Mamta Khurana And Another

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

Counsel for Petitioner :- Raghav Arora,Ashish Kumar Singh

Counsel for Respondent :- CSC,Harsh Vardhan Gupta

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Ashutosh Srivastava,J.

1. Heard learned counsel for the petitioners and Sri A.P. Paul, learned counsel for the Prayagraj Development Authority.
2. The petitioners are owner of a house situate at Gata No. 16/3 of Chak No. 1300, Mauja Kanihar, Pargana- Jhunsi, District-Prayagraj. Their apprehension is that under the garb of road widening work, part of their house may be demolished 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 A.P. Paul, 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. He submits that the petitioners may be directed to file their objections, which may be considered by the Authority.
5. In view of the above, we ***dispose of*** the writ petition by requiring the petitioners to file their objections before the authority concerned within two weeks from today. In the eventuality of filing such objections, the concerned authority shall proceed to pass appropriate orders and take action accordingly and, thereafter, if it comes to a conclusion that some

demolition activity has to be undertaken, the authority shall serve a proper notice and afford opportunity to the petitioners before carrying on the demolition activities.

Order Date :- 2.11.2023

Deepak/

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