

Chief Justice's Court

Case :- WRIT - C No. - 38981 of 2023

Petitioner :- New Balaji Dharmkanta

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

Counsel for Petitioner :- Rakesh Kumar Srivastava, Ashutosh Kumar Srivastava

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

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

1. Grievance of the petitioner is that he is running weighbridge (Dharam Kanta) on the Plot No.702 situate in village Kakra Lash Khaspur, Pargana & Tehsil Dadri, District Gautambudh Nagar. However, respondent no.2 had issued a notice on 29.12.2022 for demolishing the same. According to the petitioner, notice is defective as the same was issued for some other plot but now under the garb of the said notice, the weighbridge (Dharam Kanta) of the petitioner may be demolished.

2. Learned counsel appearing for respondent no.2 submits that notice was not replied till date, therefore, the Development Authority has every right to demolish illegal construction. He however submits that if required, fresh notice would be given to the petitioner and then any action would be taken against him strictly in accordance with law.

3. In view of fair submission made by learned counsel for respondent no.2, without expressing any opinion on merits of the case, the writ petition is **disposed of** permitting respondent no.2 to issue fresh notice to the petitioner and then to proceed in accordance with law.

Order Date :- 8.11.2023

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