

Court No. - 21

Case :- WRIT - C No. - 39890 of 2023

Petitioner :- Rais @ Raheesh Ahmad

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Jai Singh Yadav

Counsel for Respondent :- C.S.C., Rafat Raza Khan

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Donadi Ramesh, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard Sri Jai Singh Yadav, learned counsel for the petitioner and Sri Rafat Raza Khan, learned counsel for respondent no.2.
3. The petitioner is aggrieved by notice dated 17.08.2023 issued by Executive Officer, Nagar Panchayat Faizganj, District Budaun (respondent no.2) requiring the petitioner to remove his illegal possession from Gata No. 1666 area 0.157 hectare as it is alleged to be land belonging to Nagar Panchayat Faizganj, Budaun. The notice further mentions that in case unauthorized possession is not removed within seven days, then appropriate action would be taken under the provisions of U.P. Municipalities Act, 1916.
4. Learned counsel for the petitioner submits that the subject land was auctioned by Nagar Panchayat Faizganj, Budaun in favour of one Surendra Kumar Gupta and he thereafter transferred a part of the land in favour of the petitioner. He submitted that pakka constructions of the petitioner are in existence over the subject land.
5. Learned counsel for the Nagar Panchayat Faizganj submits that no action would be taken against the petitioner without following

the procedure prescribed under the U.P. Municipalities Act, 1916 as stated in the notice itself.

6. Having regard to the stand of the respective parties, we dispose of the instant petition by providing that the petitioner will have three weeks from today to file reply to the impugned notice and whereafter respondent no.2 will pass a speaking order taking into consideration the reply submitted by the petitioner along with documentary evidence.

7. Until such a decision is taken, no coercive action shall be taken against the petitioner in pursuance of the impugned notice. In case, the petitioner fails to file reply within time specified above, the protection granted to him will stand vacated automatically and it shall become open to the respondents to proceed in the matter in accordance with law.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, J.)

Order Date :- 21.11.2023

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