

Chief Justice's Court

Case :- WRIT - C No. - 39273 of 2023

Petitioner :- Om Prakash Gupta @ Dablu And Another

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

Counsel for Petitioner :- Archit Mehrotra

Counsel for Respondent :- C.S.C., Dharmendra Singh Chauhan

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

1. Heard Shri Archit Mehrotra, learned counsel for the petitioners, learned Standing Counsel for respondent No. 1 and Shri Dharmendra Singh Chauhan and Shri Abhinava Krishna Srivastava, learned counsel representing Firozabad-Shikohabad Development Authority.

2. The petitioners are aggrieved by the action of the respondents in proceeding to demolish the property of the petitioners consequent to the notice dated 09.06.2023.

3. Learned counsel for the petitioners submits that there is no encroachment on their part.

4. However, learned counsel for the respondents have invited the attention of the Court to notice dated 09.06.2023, wherein, complete/partial encroachment has been attributed to the petitioners.

5. Learned counsel for the petitioners further submits that they have already filed reply to the aforesaid notice on 22.06.2023 which is pending consideration. He also submits that till the decision is taken by the authorities on the reply so filed, no demolition activity be undertaken.

6. Learned counsel for the respondents submits that the reply of the petitioners would be considered, in accordance with law by passing a reasoned and speaking order and only thereafter, the demolition activity would be undertaken.

7. We permit the petitioners to substantiate their reply by filing any additional documents, if they so desire.

8. Accordingly, the present petition is **disposed of** directing the Vice Chairman, Firozabad-Shikohabad Development Authority, Firozabad to look into the reply filed by the petitioners and pass

an appropriate order on the reply and any additional documents that the petitioners file within a period of two weeks from today along with certified copy of this order. The order would be passed within a period of three weeks from the date of service of certified copy of the order of this Court.

9. Till the decision is taken on the reply of the petitioners, no coercive steps shall be taken against the petitioners consequent to impugned notice.

Order Date :- 8.11.2023

Mukesh Pal

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