

Court No. - 21

Case :- WRIT - C No. - 39924 of 2023

Petitioner :- Smt Nirmla Vishwakarma And 18 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Sharda Vishwakarma, Arvind Kumar

Counsel for Respondent :- CSC, Vibhu Rai

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Donadi Ramesh, J.

1. The prayer made in the instant petition is for quashing of show cause notices dated 8.9.2023 and 25.9.2023, issued by Prayagraj Development Authority, Prayagraj; for a direction to the respondent Authorities not to occupy the land of the petitioners without payment of adequate compensation.

2. Learned counsel for the petitioners submits that in respect of the same project, **Writ - C No. 37460 of 2023 (Shyam Deo and 3 Others vs. State of U.P. and 5 Others)** was filed before this Court and it was disposed of by a Co-ordinate Bench by a detailed order dated 31.10.2023. He submits that similar order may be passed in the case of the petitioners.

3. Sri Vibhu Rai, learned counsel appearing on behalf of the Development Authority, does not oppose the prayer. He admits that the order passed in **Shyam Deo** covers the controversy at hand. The order of the writ court dated 31.10.2023 in **Shyam Deo** is as follows: -

1. Heard Sri Rakesh Pande, learned Senior Counsel assisted by Ms. Vishakha Pande, learned counsel for the petitioners and Sri Arun Kumar, learned counsel for the Prayagraj Development Authority.

2. The petitioner are residents of Chhatnag Road, Jhunsi, district Prayagraj. Their apprehension is that under the garb of road widening work, their private land may be occupied 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 Arun Kumar, 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.

5. Learned counsel appearing for the parties have agreed that the documents as sought by the local bodies would be submitted before it, as and when required.

6. Considering the submissions made by the parties, nothing further requires to be adjudicated at this stage. The writ petition is disposed of with a direction to the respondents not to take land of the petitioners or utilize it for widening of the road without following due procedure of law. In case the land owned by the petitioners is to be utilized for widening of the road or for any other work, the same would firstly be acquired and then the Authority would proceed to utilize the land for road widening or otherwise.

4. Accordingly, the instant petition also stands disposed of in terms of the same order.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, J.)

Order Date :- 21.11.2023

Jaideep/-