

Court No. - 46

Case :- WRIT - C No. - 39845 of 2023

Petitioner :- Smt Jyoti Mittal And 2 Others

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

Counsel for Petitioner :- Pranvesh,Vineet Pandey

Counsel for Respondent :- CSC,Shiv Prakash Gupta

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

Petitioners are aggrieved by a notice issued under Section 27(1) of U.P. Urban Planning and Development Act, calling upon the petitioners to demolish their constructions on a plot situated nearby Khasra No.625. The notice is challenged on the ground that petitioners' plot number is 564 and the land is recorded in the name of the petitioners, whereas the notice has been issued to the husband of petitioner no.2. It is submitted that neither the description of the property is correct in the notice nor the owners' name are correctly recorded and, therefore, the petitioners would be denuded of the opportunity to submit reply in the matter.

Sri S.K. Singh, holding brief of Sri Utkarsh Prakash Singh, appearing for the Development Authority states that reference of Khasra No.625 is only because the constructions are nearby the said plot. It is also submitted that the notice is to the husband of petitioner no.2.

Respondents, however, do not dispute the fact that plot number on which constructions are being raised is not 625 but is a different plot. The notice also has not been issued to the recorded tenure-holder. In such circumstances, we find substance in the grievance raised by the petitioners, inasmuch as neither the description of

plot number is correct nor the notice is to the recorded tenure-holder.

Faced with the above observations, learned counsel for the Development Authority states that the authority be permitted to withdraw the impugned notice and issue a fresh notice to the recorded tenure-holder after correctly describing the plot on which constructions are being raised.

In view of the prayer made on behalf of the Development Authority, this petition stands **disposed of**, permitting the Development Authority to withdraw the impugned notice and to proceed afresh, after correctly recording the description of plot, against the recorded tenure-holders. It is clarified that till appropriate orders are passed pursuant to such notices issued, no coercive action will be taken against the petitioners on the basis of the impugned notice.

Order Date :- 21.11.2023

SP/-