

Court No. - 21

Case :- WRIT - C No. - 40379 of 2023

Petitioner :- Ram Bilash And 2 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Chandra Bhan Gupta,Pawan Kumar Rao

Counsel for Respondent :- C.S.C.,Pawan Kumar Singh

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Donadi Ramesh,J.

1. The instant petition has been filed praying for a writ of mandamus commanding the respondents to pay compensation to the petitioners before demolishing their house for road widening work on Chhatnag Road, Jhunsi, Prayagraj.
2. The case of the petitioners is that they have not encroached any land and their constructions exists over their own land. However, the respondents are threatening to demolish their house for road widening work.
3. Sri Arun Kumar, learned counsel appearing on behalf of the Prayagraj Development Authority, on instructions states that only a notice dated 18.09.2023 has been issued to the petitioners stating that they had raised constructions without sanctioned plan and which is going to affect widening of the road. They have been called upon to show cause. He submits that no action would be taken against the petitioners without following the procedure prescribed under law.
4. Having regard to the stand taken by learned counsel for the P.D.A., we dispose of the instant petition by providing that the construction of the petitioners cannot be demolished except in accordance with law. In case any land of the petitioners is required by the respondents for widening of the road, the same can only be taken on basis of amicable settlement or after formal acquisition.

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

Order Date :- 24.11.2023

rkg