

Court No. - 46

Case :- WRIT - C No. - 40619 of 2023

Petitioner :- Rajendra Prasad Gupta

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

Counsel for Petitioner :- Ankit Kumar Rai

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

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

This petition is directed against an order of demolition passed by the respondent development authority, dated 17.10.2023. Various grounds are urged in support of the petition.

An objection is taken to the maintainability of the writ petition on the ground that the order impugned can be challenged by filing appeal under section 27(2) of the U.P. Urban Planning and Development Act, 1973.

In the facts of the case, we are not inclined to entertain this petition, particularly when statutory remedy provided has not been exhausted by the petitioner. It is, however, provided that in the event petitioner prefers a statutory appeal within two weeks from today, the same shall be entertained, without raising any objection with regard to delay and the same shall be dealt with in accordance with law, expeditiously. Liberty also stands reserved to the petitioner to apply for interim protection in the appeal, which too shall be dealt with without any unnecessary delay.

Subject to the above observations made, this petition is consigned to records.

Order Date :- 28.11.2023

Ashok Kr.