

Court No. - 21

Case :- WRIT - C No. - 41488 of 2023

Petitioner :- Smt. Kusumlata Dubey

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

Counsel for Petitioner :- Shiv Bahadur Singh, Shailendra Kumar Tripathi

Counsel for Respondent :- CSC

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. Supplementary affidavit filed today is taken on record.
2. The instant petition is directed against a show cause notice dated 7.11.2023 issued to the petitioner under Section 10 of the Uttar Pradesh (Regulations of Building Operations) Act, 1958 requiring her to appear before the Prescribed Authority on 9.11.2023 at 12:00 noon personally or through counsel to offer explanation as to how the constructions made by her are in accordance with law. Another notice of the same date has also been issued to the petitioner by Executive Officer, Nagar Palika Parishad, Farrukhabad mentioning that the constructions raised by the petitioner are an encroachment over Government land and the petitioner should remove the same, failing which, it will be removed by the Authority.
3. The petitioner has already filed her reply to the aforesaid notices.
4. Counsel for the petitioner submits that the respondents have still not passed any final order in the matter, but are pressing for demolition of the constructions.
5. In the circumstances aforesaid, we dispose of the instant petition with direction to the fourth respondent to pass a speaking order, taking into consideration the objection of the petitioner, within four weeks from the date of communication of the instant order alongwith photo copy of the objection.
6. In case the petitioner communicates the instant order to respondent no.4 not later than ten days from today, the respondents shall not take any coercive action against the petitioner until the objections are decided.

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

Order Date :- 2.12.2023

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