

Court No. - 21

Case :- WRIT - C No. - 41624 of 2023

Petitioner :- Aarti Tripathi And Another

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

Counsel for Petitioner :- Manish Singh, Sushma Singh

Counsel for Respondent :- C.S.C., Anand Prakash Paul

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The instant petition has been filed questioning the order purportedly passed under Section 28 A of the U.P. Urban Planning and Development Act, 1973, (for short 'the Act') dated 13.05.2019. The case of the petitioners is that the said order was never served on the petitioners nor was ever implemented and now suddenly the respondents have lodged the first information report against the petitioners on basis of the impugned order.

2. Sri A.P. Paul, learned counsel for the development Authority states that a notice was issued to the petitioners on 13.05.2019 under Section 27 of the Act but they have not replied to it so far. He states that he is in receipt of oral instruction to the effect that no final order has been passed under Section 27 of the Act so far. He submits that it is open to the petitioners to file their reply so that it is considered by the respondent - Authority and final order is passed.

3. Having regard to the above admitted position, we **dispose of** the instant petition by providing that the petitioners shall reply to the notice dated 13.05.2019 within two weeks from today. It shall thereafter be open to the respondents to pass final order in accordance with law. It is further provided that until final order is passed, ceiling order dated 13.05.2019 which the petitioners claim has not been implemented so far shall remain in abeyance.

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

Order Date :- 8.12.2023

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