

Court No. - 21

Case :- WRIT - C No. - 41737 of 2023

Petitioner :- Rajiya Chaudhary And Another

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Saroj Kumar Yadav, Sanjay Kumar Yadav

Counsel for Respondent :- C.S.C., Ravi Prakash Pandey

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. Heard Shri Sanjay Kumar Yadav, learned counsel for the petitioners and Ms. Priyanka Singh holding brief of Shri Satyendra Tripathi, learned counsel appearing on behalf of the Ghaziabad Development Authority.

2. The instant petition has been filed challenging the order of demolition dated 16.10.2023 passed by the competent authority, Ghaziabad Development Authority in purported exercise of power under Section 27(1) of U.P. Urban Planning and Development Act, 1973.

3. The petitioners apprehending that the respondent would demolish the constructions even before the petitioners could avail the remedy of appeal, have filed the instant petition. It is urged that for a limited period, the interest of the petitioners be protected to facilitate filing of appeal. It is pointed out that both the petitioners were in jail at the time of passing of the order. Petitioner no. 1 was enlarged on bail on 19.10.2023 and petitioner no. 2 is still in jail.

4. Having regard to the peculiar facts of the case, we **dispose of** the instant petition by providing that in case any appeal is filed by the petitioners against the impugned demolition order within one week from today, it will be entertained by the appellate authority on merits without raising any objection regarding limitation. It shall be open to the petitioners to file stay application along with appeal and in which event the same will be considered by the appellate authority on its own merit without being influenced by

observation made herein. For a period of one week from today, status quo as on date, shall be maintained by the parties.

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

Order Date :- 4.12.2023

Brijesh Maurya