

Court No. - 21

Case :- WRIT - C No. - 41721 of 2023

Petitioner :- Ms Al Saqib Exports Pvt.Ltd.

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

Counsel for Petitioner :- Romeshwari Prasad

Counsel for Respondent :- C.S.C,Shiv Prakash Gupta

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Donadi Ramesh,J.

1. The instant petition has been filed challenging the order dated 22.11.2023 passed by respondent no. 4 directing for sealing of the factory premises of the petitioner being run over Plot No. E-Hapur Road, Meerut in purported exercise of power under Section 28-A of the U.P. Urban Planning and Development Act, 1973.

2. The order mentions that the activity being carried on by the petitioner is in deviance with the earlier usage as per sanctioned plan. The petitioner had failed to submit building plan/compounding plan for approval.

3. Shri Naveen Sinha, learned Senior Counsel assisted by Shri Romeshwari Prasad appearing for the petitioner, submits that in the past, notice was issued to the petitioner regarding deviance from the sanctioned plan. The said notice was cancelled on 02.05.2017 after examining the plan sanctioned on 03.04.1986. It is submitted that the use of premises for running meat processing unit is not in violation of Section 16 of the Act, so as to attract Section 28-A and, therefore, the impugned order is wholly without jurisdiction.

4. Shri J.N. Maurya, learned counsel appearing on behalf of Meerut Development Authority submits that the prescribed usage was for running textile industry and since the petitioner company has started using it for meat processing, therefore, the notice has been issued. He states that the development authority would pass order in the matter after considering the replies already submitted by the petitioner company.

5. Having regard to the aforesaid stand of Shri J.N. Maurya, learned counsel appearing for the Meerut Development Authority,

we **dispose of** the instant petition by providing that the competent authority shall pass appropriate order in pursuance of the impugned notice after taking into consideration the previous replies or any other reply that is submitted by the petitioner company within one week from today along with attested copy of the instant order. The impugned order will abide by the decision that would be so taken.

6. It is further provided that until decision is taken in the matter as provided above, no coercive step shall be taken in pursuance of the impugned order.

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

Order Date :- 4.12.2023

Brijesh Maurya