

**Court No. - 6**

**Case :-** WRIT - C No. - 41784 of 2023

**Petitioner :-** Sushil Agarwal

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

**Counsel for Petitioner :-** Madhusudan Dikshit

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

**Hon'ble Mrs. Manju Rani Chauhan, J.**

The instant writ petition has been preferred by the petitioner challenging an order dated 06.11.2023 passed by respondent no. 1, with a further prayer to direct the respondent no. 1 to decide the revision expeditiously and for a direction upon the respondent authority not to implement the order dated 06.11.2023 till pendency of the revision pending before respondent no. 1.

Learned counsel for the petitioner submits that against the order dated 06.11.2023 passed in an appeal filed under Section 27(2) of the U.P. Urban Planning and Development Act, 1973, the petitioner has preferred a revision along with stay application before respondent no. 1, which is still pending. He further submits that the petitioner has come to know that the respondent authorities are proceeding to demolish the property in question during pendency of the stay application filed in the revision, therefore, a direction may be issued upon respondent no. 1 to decide the stay application of the petitioner within some stipulated period and till then the order impugned dated 06.11.2023 may be restrained from being given effect to.

Learned Standing Counsel appearing for State functionaries and Sri A.P. Paul, learned Advocate, putting in appearance on behalf of respondent nos. 2 to 4 / Saharanpur Development Authority, have no objection to the aforesaid relief as sought for.

In view of the above, without entering into merits of the case, the writ petition is disposed of with a direction upon respondent no. 1 to decide the stay application of the petitioner filed in the revision, in accordance with law, expeditiously, preferably within a period of 20 days from today. For the period of one month, no coercive action shall be taken against the petitioner.

Needless to say that in case the petitioner does not appear to press or argue the aforesaid stay application within twenty days from today or seeks any adjournment, it will open for the competent authority to proceed in accordance with law.

No order as to costs.

**Order Date :- 2.12.2023**  
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