

Court No. - 21

Case :- WRIT - C No. - 42683 of 2023

Petitioner :- Bhabhooti

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

Counsel for Petitioner :- Ulajhan Singh Bind

Counsel for Respondent :- C.S.C.,Anjali Upadhya

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Kshitij Shailendra,J.

1. The petitioner has challenged the notice dated 23.08.2023 whereby the petitioner and other persons have been directed to remove their alleged unauthorized constructions within seven days, failing which, they would be responsible and the Authority would recover the amount spent by it in restoring the site to its original shape from them.

2. Learned counsel for the petitioner submits that the respondents have acted illegally in issuing the impugned notice without seeking his explanation. He submits that the petitioner has already filed his reply on 05.09.2023 and prays that the same may be directed to be decided.

3. Learned counsel appearing on behalf of the Greater NOIDA Authority very fairly states that objection dated 05.09.2023 would be decided.

4. Since the impugned notice, without seeking explanation of the petitioner, directs him to remove constructions, we are of the considered opinion that the same is not sustainable in law. However, we hereby direct that the said notice would be treated as a 'show cause notice' and the reply submitted by the petitioner

shall be considered and decided by the respondents in accordance with law within next four weeks and until then, no coercive action shall be taken against the petitioner in pursuance of the said notice.

5. The writ petition is **disposed of** accordingly.

Order Date :- 16.12.2023

Jyotsana

(Kshitij Shailendra, J.) (Manoj Kumar Gupta, A.C.J.)