

Court No. - 21

Case :- WRIT - C No. - 42640 of 2023

Petitioner :- Harendra Pal Singh And Another

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

Counsel for Petitioner :- Babita Upadhyay, Sanjeev Kumar Gaur

Counsel for Respondent :- C.S.C., Vibhanshu Vaibhav

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The instant petition has been filed challenging an order dated 09-11-2023 passed by the Presiding Officer, Aligarh Development Authority, Aligarh under Section 28-A(1) of the U.P. Urban Planning Act, 1973 for sealing of unauthorised constructions of the petitioners.

2. It is alleged that the petitioners had raised constructions without any sanctioned plan. They were given notice on 03-11-2023 but so far they have not furnished any explanation.

3. Counsel for the petitioners submits that there does not exist any order under Section 27 of the Act but still the respondents came at the site armed with bulldozer and threatened to demolish the constructions.

4. Learned counsel appearing on behalf of respondent nos.3 and 4 submits that so far they have not taken any action for demolition nor any such action would be taken unless order in this behalf is passed after following the procedure prescribed under the law. He further submits that insofar as the impugned order is concerned, it is appellable under Section 28 A(4) of the Act.

5. Having regard to the rival contentions we **dispose of** the instant petition as follows:-

(a) The respondents will not demolish the constructions of the

petitioners unless there is a demolition order passed against the petitioners after following the procedure prescribed under law.

(b) Insofar as the sealing order is concerned, it shall be open to the petitioners to challenge the same in appeal as provided under Section 28 A(4) of the Act.

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

Order Date :- 11.12.2023

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