

Court No. - 39

Case :- WRIT - C No. - 43005 of 2023

Petitioner :- Dinesh Bajpai

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Rajan Tripathi

Counsel for Respondent :- CSC, Anand Prakash Paul

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

1. Heard Sri Rajan Tripathi, learned counsel for the petitioner, Sri Shailja Kant Tripathi, Advocate holding brief of Sri Anand Prakash Paul, learned counsel for the Development Authority and learned A.G.A. for the State.
2. At present, the petitioner has been visited with the show-cause notice dated 09.11.2023 issued under Section 26A(4) of the U.P. Urban Planning and Development Act, 1973.
3. Learned counsel for the petitioner contends that his occupation is over plot nos. 252 and 254. Those were never acquired. Therefore, the respondents have no jurisdiction to issue the impugned notice dated 09.11.2023.
4. Since facts are unascertained, no purpose would be served in keeping the present petition pending or calling for counter affidavit, at this stage. Opportunity to object to the notice is still available to the petitioner. Accordingly, without entering into the merits of the case, the writ petition is disposed of with the direction in case the petitioner files a written objection to the impugned notice dated 09.11.2023, within a period of two weeks from today, supported by his personal affidavit, annexing thereto all documents before respondent no.3, the said authority may deal with the said objection and pass a reasoned and speaking order in terms of provisions of Section 26A of the Act as expeditiously as possible, preferably within a period of two months from the date of compliance shown by the petitioner.
5. For a period of three months from today or disposal of the objection, whichever is earlier, no coercive action shall be taken against the petitioner, pursuant to the impugned show-cause notice dated 9.11.2023.

Order Date :- 14.12.2023

Abhishek Singh

(S. S. Prasad, J.) (S. D. Singh, J.)