

Court No. - 21

Case :- WRIT - C No. - 43194 of 2023

Petitioner :- Smt.Ranjana Pandey

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

Counsel for Petitioner :- Nand Lal Pandey,Suyash Pandey

Counsel for Respondent :- C.S.C.,Ravi Prakash Pandey

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Kshitij Shailendra,J.

1.The petitioner has prayed for quashing of an internal communication between Zonal Officer, Varanasi Development Authority, Varanasi and Deputy Commissioner of Police, Varana Zone, Varanasi requesting for making available police force in order to implement the demolition order dated 17.11.2021 passed against the petitioner.

2. The order dated 17.11.2021 is not under challenge.

3. Counsel for the petitioner states that the petitioner was not aware of the said order until the impugned communication was sent by the Zonal Officer to the Police Authorities. He submits that for the said reason, the petitioner could not challenge the order dated 17.11.2021 sofar. He also submits that since there is imminent threat of demolition, therefore the petitioner is left with no other remedy but to approach this Court.

4. Shri Ravi Prakash Pandey, learned counsel appearing for the Varanasi Development Authority submitted that a writ petition has been filed by a private party for implementing the demolition order and the said petition is pending.

5. In our opinion, the said fact would be of no consequence in so far as right of petitioner to challenge the demolition order is concerned. Concededly, the petitioner has remedy of appeal available to him under section 27 (2) of U.P. Urban Planning and Development Act, 1973. As the case of the petitioner is that she was not aware of the demolition order, she can still file appeal along with delay condonation application. Therefore, we dispose

of the instant petition as follows:

(i) If any appeal is filed by the petitioner within two weeks from today, the same will be decided by the Appellate Authority in accordance with law.

(ii) For a period of two weeks, the demolition order dated 17.11.2021 will not be given effect to.

(iii) Thereafter the implementation of the demolition order will depend upon the order that is passed by the Appellate Authority on the stay application, if any, filed by the petitioner in appeal.

(iv) In case, the appeal is not filed within two weeks, the protection granted to the petitioner would automatically cease. It shall then be open to the Development Authority to proceed further in the matter in accordance with law.

Order Date :- 15.12.2023

Sazia

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