

Court No. - 21

Case :- WRIT - C No. - 43177 of 2023

Petitioner :- Uttar Pradesh Apradh Niyantaran Evam Sevapath Nyas And 3 Others

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

Counsel for Petitioner :- Abhinav Kumar Pandey

Counsel for Respondent :- CSC, Anand Prakash Paul

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Kshitij Shailendra, J.

1. The petitioners have challenged the order dated 22.09.2023 passed by the Vice Chairman, Kanpur Development Authority, Kanpur Nagar rejecting the claim of the petitioners assailing the cancellation of their lease.

2. Learned counsel for the parties state that in identical facts and circumstances, this Court in Writ C No. 37732 of 2023 (Rakesh Dwivedi vs State of U.P. and 3 others) decided on 01.11.2023, has relegated the petitioner therein to the remedy of revision before the State Government under section 41 (3) of U.P. Urban Planning and Development Act, 1973. The Court has further directed that no coercive measures would be taken for a period of five weeks while the revision remains pending before the State Government.

3. The operative part of the order dated 01.11.2023 is as follows:

"5. Without expressing any opinion on the merit of the case, the writ petition is disposed of permitting the petitioner to file revision before the State Government within three weeks from today. The petitioner would also be entitled to file application for interim relief before the Revisional Authority, who shall decide the same within a period of two weeks from the date of filing of the revision.

6. Till five weeks from today, no coercive steps shall be taken against the petitioner."

4. Accordingly, the instant petition is also disposed of in same terms.

Order Date :- 15.12.2023

Sazia

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