

Court No. - 3

Case :- WRIT - C No. - 9074 of 2023

Petitioner :- Azhar Husain

Respondent :- Zonal Adhikari Zone-6 Nagar Nigam Lucknow

Counsel for Petitioner :- Saiyed Afzal Abbas Rizvi

Counsel for Respondent :- Namit Sharma

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

1. Heard learned counsel for petitioner and Sri Krishna Kumar Pandey, Advocate, who has filed his Power today on behalf of respondent, which is taken on record.
2. Petitioner has approached this Court claiming that a death certificate granted in favour of petitioner stands cancelled by the impugned order dated 26.8.2023.
3. Learned counsel for petitioner states that a complaint was made by a third party and a notice was given to the petitioner. The petitioner was asked to produce the receipt of karbala where burial took place. The said receipt is also duly filed by petitioner, however, still the impugned order was passed without giving any further hearing to the petitioner on the ground that the said receipt is false. The petitioner was never given any opportunity to prove the genuineness of the said receipt.
4. Learned counsel for respondent could not show any document to prove that petitioner was given any opportunity to prove the genuineness of the receipt.
5. In the given facts and circumstances of the case, impugned order dated 26.8.2023 is set aside. The petitioner shall appear before the respondent-Zonal Adhikari, Zone-6, Nagar Nigam, Lucknow on 26.10.2023 along with all documents in the morning at 11:00 a.m., who shall thereafter give proper opportunity of hearing to the petitioner and pass an appropriate order in accordance with law within a period of two weeks thereafter.
6. In case petitioner fails to cooperate in the proceedings, benefit of this order shall not be available to him.
7. The writ petition stands ***allowed***.

[Manish Kumar,J.] [Vivek Chaudhary,J.]

Order Date :- 17.10.2023

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