

Court No. - 3

Case :- WRIT - C No. - 9114 of 2023

Petitioner :- Prabhat Singhal

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Housing And Urban Planning, Govt. U.P. And 2 Others

Counsel for Petitioner :- Aahuti Agarwal, Abhishek Khare

Counsel for Respondent :- C.S.C., Puneet Chandra

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

1. Heard Sri Abhishek Khare, Advocate assisted by Ms. Aahuti Agarwal, Advocate on behalf of petitioner, Sri Puneet Chandra, learned counsel for respondents U.P. Awas Evam Vikas Parishad and learned Standing Counsel for State.

2. This case has come up before this Court on the urgency request made by counsel for petitioner as petitioner's property is advertised for auction which is fixed for tomorrow.

3. Petitioner has approached this Court challenging the cancellation of his Plot bearing M.I.G. House No.7A/193, Vrindavan Yojna, Lucknow. Learned counsel for petitioner states that from time to time installments were duly paid and petitioner was always waiting for execution of his sale deed but the same never got executed. He surprised to receive a communication dated 09.08.2023 informing him that his allotment was cancelled way back on 27.03.2010. Learned counsel for petitioner submits that the said cancellation was never received by the petitioner and prior to passing of order dated 23.03.2010 neither any notice nor any opportunity was provided to the petitioner

4. Learned counsel for respondent U.P. Awas Evam Vikas

Parishad has placed record before this Court. It appears from the record that no opportunity of hearing was given to the petitioner before passing the order of cancellation of aforesaid allotment.

5. In the given circumstances it is provided that Estate Manager, U.P. Awas Evam Vikas Parishad shall serve a fresh notice upon the petitioner within a period of 15 days from today. Petitioner shall submit his reply to the same within four weeks thereafter. Thereafter, the Estate Manager shall consider the reply of petitioner and pass a final order within a period of three weeks from the date of filing of reply. He shall also provide a copy of the order passed to petitioner within one week from passing of the order.

6. Meanwhile, the plot shall not be auctioned or any third party right would be created over the same unless the final order is passed in the matter and a copy of the same is provided to petitioner.

7. With the aforesaid, the writ petition is **disposed of**.

8. Let a copy of this order be provided to the learned counsel for petitioner today only on payment of usual charges.

Order Date :- 16.10.2023

Arti/-

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