

Court No. - 3

Case :- WRIT - C No. - 9490 of 2023

Petitioner :- Mahesh Prasad Kannoja

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Housing And Urban Planning U.P. Lko. And Others

Counsel for Petitioner :- Hairdaya Narain Tiwari, Ankit Kumar Pandey, Hari Mangal Singh

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

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Vakalatnama filed by Sri Mukund Tiwari, Advocate on behalf of the Lucknow Development Authority is taken on record.

Petitioner has approached this Court challenging the order passed by opposite party no. 3 vide letter dated 26.07.2023, by which the opposite party no. 3 has cancelled the allotment of plot situated at Sector-1, Vardaankhand, Gomti Nagar Vistar, Lucknow.

Claim of the petitioner is that in view of the earlier judgment and order dated 17.09.2009 passed in Writ Petition No. 9203 (MB) of 2009, allotment of plot no. 1/1057 C was made to the petitioner by communication dated 12.07.2017. Now the same is cancelled by an communication dated 26.07.2023.

First submission of counsel for the petitioner is that the said order is an ex-parte order passed without giving any opportunity of hearing to the petitioner merely by a letter of the L.D.A.

Counsel for the L.D.A. could not dispute the said fact from the record of the case.

In view thereof, the order dated 26.07.2023 passed by opposite party no. 3 is set aside.

Writ petition is hereby allowed.

Liberty is granted to the Secretary, Lucknow Development Authority to pass an order after giving due opportunity of hearing to the petitioner, in accordance with law.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 31.10.2023

Nitesh