

Court No. - 3

Case :- WRIT - C No. - 9596 of 2023

Petitioner :- Subhash Chandra, Through Power Of Attorney Holder, Arti Devi

Respondent :- Uttar Pradesh Avas Avam Vikas Parishad Lucknow, Through Commissioner, And Another

Counsel for Petitioner :- Angrej Nath Shukla

Counsel for Respondent :- Ratnesh Chandra

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Heard Shri Angrej Nath Shukla, learned counsel for the petitioner and Ms. Shivangi, learned Advocate holding brief of Shri Ratnesh Chandra, learned counsel for U.P. Avas Avam Vikas Parishad, Lucknow.

The petitioner by the present writ petition has challenged the order dated 28.04.2023 passed by the competent authority i.e. Opposite Party No.2- Executive Engineer/ Saksham Adhikari, Uttar Pradesh Avas Avam Vikas Parishad, Nirman Khand, Ayodhya, thereby the reply/ objection submitted by the petitioner to the show cause notice is rejected.

In his reply the petitioner has submitted that he is only raising boundary-wall on his plot and he is not raising any house, hence, there is no need of passing any map for the same.

While considering the same, the competent authority in the impugned order has clearly says that constructions of the petitioner are illegal and has not given any finding as to whether the map is required to be sanctioned for raising boundary wall. The order is also silent as to whether the petitioner is raising only boundary-wall or raising further than that for which the sanction of map is required. Thus, since there is no reason available in the impugned order while rejecting the objection of the petitioner, the impugned order dated 28.04.2023 cannot sustained and is set aside.

It shall be open for the Respondent No.2 to consider the reply

of the petitioner and pass proper reasoned and speaking order in accordance with law.

With the aforesaid, the writ petition stands allowed.

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

Order Date :- 2.11.2023

S. Kumar