

Court No. - 3

Case :- WRIT - C No. - 9977 of 2023

Petitioner :- M/S Kalyani Infra Heights Pvt. Ltd. Lko. Thru. Director Shri Alok Kumar Yadav And Another

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

Counsel for Petitioner :- Manish Misra, Gaurav Upadhyay

Counsel for Respondent :- C.S.C., Ratnesh Chandra, Shailendra Singh Chauhan

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Heard Shri Manish Mishra, learned counsel for the petitioner assisted by Shri Gaurav Upadhyay, Advocate and Shri Shailendra Singh Chauhan, Advocate, who has filed his vakalatnama on behalf of respondent nos. 2 and 3.

Petitioner has approached this Court challenging two orders dated 14.09.2023 passed by respondent no. 3-Prescribed Authority, U.P., Urban Planning and Development Act, Lucknow Development Authority, 6 Jagadish Chandra Bose Marg, Lalbagh, Lucknow whereby demolition order against the petitioner has been passed and thereafter a notice is given requiring the petitioner to demolish the developments otherwise, it shall be done at his cost.

Learned counsel for the petitioner submits that petitioner's layout is pending for approval before respondent development authority since 19.11.2022 and nearly all sanctions have already been granted in favour of petitioner and only a final order is to be passed on the same but without considering the aforesaid aspect of the matter, it is alleged that petitioner has developed a colony illegally and hence demolition should take place. In case, map of the petitioner is sanctioned, the same would cause unnecessary loss to the petitioner.

It is further submitted that the petitioner was never given appropriate opportunity of hearing before passing the impugned orders and only written submissions were taken into consideration while passing the impugned orders.

Looking to the facts and circumstances of the case, where stake of the petitioner is very high as issue involved is of development of a colony, it is provided that the respondents shall grant a fresh opportunity of hearing to the petitioner to

submit his case and also to make his oral submission. Objections shall be filed by the petitioner within a period of ten days from today and the Prescribed Authority respondent no. 3 shall pass appropriate orders on the same after giving an opportunity of hearing to the petitioner including the status of map of the petitioner within a period of four weeks, thereafter.

Meanwhile, parties shall maintain status quo over the property in dispute.

In view of the above, writ petition is disposed of.

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

Order Date :- 9.11.2023

Ashish