

Court No. - 3

Case :- WRIT - C No. - 10220 of 2023

Petitioner :- Rajesh Kumar Dixit And Another

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

Counsel for Petitioner :- Vivek Kumar Srivastava

Counsel for Respondent :- C.S.C.,Akber Ahmad

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Petitioner has approached this Court challenging the impugned order dated 28.06.2023 whereby respondent no. 2 Sahkari Awas Nirman Evam Vitta Nigam Limited, Lucknow has issued a demand notice against the petitioner for the amount which he was liable to pay either through the respondent no. 5 or directly to the petitioner no. 2

Learned counsel for the petitioner submits that the impugned order has been passed without giving any opportunity of hearing to the petitioner. He further submits that he has already paid entire payment to the respondent no. 5, which was in turn obliged, under the contract, to respondent no.2, thus, it is the respondent no. 5 society which has violated the contract.

It is further submitted that in case opportunity of hearing is given to the petitioner, he can produce all the relevant document before respondent no. 2 to prove his case.

Mr. Akber Ahmad, learned counsel for the respondents fairly accepts that petitioner can be given an opportunity of hearing to submit his case.

In the given facts and circumstances of the case, petitioner is permitted to appear before respondent no. 3-Managing Director, Sahkari Awas Nirman Evam Vitta Nigam Limited, Lucknow on 30.11.2023 alongwith all the documents, who shall give opportunity of hearing to him, in case required, also by giving fresh notice to the petitioner and pass afresh order after hearing petitioner in accordance with law within a period of four weeks, thereafter.

The impugned order dated 28.06.2023 is hereby set aside.

Writ petition is allowed.

Any action against the petitioner shall be subject to final orders

passed by the respondent no. 3.

In case respondent no. 3 so requires he can also summon the respondent no. 5 also in the said proceedings to settle the matter finally, who shall also fully corporate. In case petitioner does not appear before respondent no. 3 on 30.11.2023, the benefit of this order would not be available to him and respondent nos. 2 and 3 are at liberty to proceed against the petitioner in that event.

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

Order Date :- 22.11.2023

Ashish