

Court No. - 1

Case :- WRIT - C No. - 10431 of 2023

Petitioner :- Afsar Ali

Respondent :- State Of U.P. Thru. Prin. Secy. Urban Development U.P. Govt. Lko. And Others

Counsel for Petitioner :- Nazmul Hasan, Vinay Misra

Counsel for Respondent :- C.S.C., Srinivas Bajpai

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned counsel for the petitioner, Shri Srinivas Bajpai, learned counsel for the respondent No.5 and learned Standing Counsel for State-respondent Nos.1 to 4.

2. Shri Srinivas Bajpai, learned counsel for respondent No.5 has submitted that the apprehension of the petitioner that his dwelling house is likely to be demolished is wholly misplaced as there are no proceedings for any such action in contemplation. It is, however, informed that the vacant land upon which the concrete was dumped by the petitioner has been removed inasmuch as the said land was a nazul land though appurtenant to the petitioner's house.

3. The activity for dumping any such material was impermissible upon such a land, therefore, the same has been removed. The civil suit in this regard is also pending before the competent civil court.

4. Once it is clarified that the dwelling house is not likely to

be damaged and the action for removal of sand etc. has already been taken, therefore, for any residual cause, it shall be open to the petitioner to avail the appropriate remedy before the civil court which is pending.

5. The writ petition, for what has been observed above, is **disposed of.**

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 29.11.2023
Shubhankar