

**Court No. - 3**

**Case :-** WRIT - C No. - 10855 of 2023

**Petitioner :-** Rajesh Kumar Yadav

**Respondent :-** State Of U.P. Thru, Secy. Deptt. Nagar Vikas  
Civil Sectt. Lko. And 4 Others

**Counsel for Petitioner :-** Manjusha Kapil

**Counsel for Respondent :-** C.S.C., Ratnesh Chandra, B/S0645

**Hon'ble Vivek Chaudhary, J.**

**Hon'ble Manish Kumar, J.**

Shri Shailendra Singh Chauhan, learned counsel for Opposite parties No.2 to 4 has filed his Vakalatnama, which is taken on record.

Heard learned counsel for the parties and perused the record.

The present writ petition has been filed against the order passed by the Lucknow Development Authority with regard to occupation of his land.

Learned counsel for the petitioner submits that the petitioner had filed a suit bearing Original Suit No.569 of 2001 for the property in dispute. Petitioner was given a letter dated 13.09.2018 by the Incharge Officer, Acquisition Sri Sanjay Kumar Pandey stating that with the consent of the Vice-Chairman it is agreed that an alternate plot named in the said letter would be provided to the petitioner after withdrawal of the suit. On the said assurance, the petitioner had moved an application for withdrawal of the suit before the Civil Court, which was allowed by the order dated 05.10.2018. The order specifically notes that the suit is permitted to be withdrawn as there is a settlement outside court between the parties. Thereafter, the respondent- Lucknow Development Authority refused to honour the commitment made and states that the said land cannot be given to the petitioner, against which the petitioner had moved a representation before the Lucknow Development Authority, which was also rejected stating that the officers of the authority collusively had wrongly assured and

issued the communication dated 13.09.2018.

Since, the suit of the petitioner was permitted to be withdrawn upon a assurance given by the Lucknow Development Authority and now the Development authority is refusing to honour the said commitment, the order dated 5.10.2018 passed in O.S. No.569 of 2001, whereby the suit was consigned to record as withdrawn, is set aside and the Original Suit No.569 of 2001 is restored to its original number. The interim order granted earlier in the said suit shall remain operative.

The court concerned is directed to proceed with the suit in accordance with law from the date copy of this order is served. The parties may file copy of this order annexing all relevant documents before the court concerned within a period of three weeks.

The writ petition is allowed.

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

**Order Date :- 14.12.2023**

S. Kumar