

Court No. - 8

Case :- WRIT - C No. - 11311 of 2023

Petitioner :- Deepak Gupta

Respondent :- State Of U.P. Thru. Prin. Secy.
Housing And Urban Planning, Lko. And 2 Others

Counsel for Petitioner :- Ashish Kumar
Shukla, Alok Tripathi

Counsel for Respondent :- C.S.C., Ratnesh
Chandra

Hon'ble Pankaj Bhatia, J.

Supplementary affidavit filed today is taken on record.

Heard learned counsel for the petitioner, Sri Shailendra Singh Chauhan, learned counsel for the respondent nos. 2 and 3 and perused the record.

The present writ petition has been filed by the petitioner challenging an order dated 30.12.2021, whereby a demolition order was passed against the petitioner under Section 27(1) of the U.P. Urban Planning and Development Act 1973 as well as the order dated 06.07.2023 whereby the appeal preferred by the petitioner was dismissed.

The counsel for the respondent raised preliminary objection that the petitioner having an alternative remedy under Section 41(3) of the U.P. Urban Planning and Development Act 1973

In view of the said objection, the present writ petition is disposed of relegating the petitioner to prefer a revision before the State Government under Section 41(3) of the U.P. Urban Planning and

Development Act 1973 within a period of two weeks from today. The petitioner would be at liberty to file stay application along with the revision before the Revisional Authority. The Revisional Authority shall pass orders on the stay application within a further period of three weeks from the date of filing of stay application. Till the decision on the stay application, no coercive action shall be taken in pursuance of demolition order dated 30.12.2021. In case, the said revision is not filed within a period of two weeks, this order shall automatically come to an end.

Order Date :- 21.12.2023
Arun