

Court No. - 2

Case :- WRIT - C No. - 5611 of 2024

Petitioner :- Ram Pyare Yadav

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

Counsel for Petitioner :- Raj Priya Srivastava

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

Hon'ble Alok Mathur, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Sri Raj Priya Srivastava, learned counsel for the petitioner, learned Standing Counsel on behalf of respondents No. 1 & 2 and Sri S.S. Chauhan, learned counsel for respondents No. 3 & 4.

2. By means of the present writ petition, the petitioner has assailed the liability of the order dated 15.5.2024 passed by the Prescribed Authority, Lucknow Development Authority under Section 27 of the U.P. Urban Planning and Development Act, 1973 and has ordered demolition of the dispute premises owned by the petitioner.

3. A preliminary objection has been raised by the counsel for the respondents stating that the petitioner has efficacious remedy of an appeal before the Chairman of the Development Authority under Section 27(2) of the Act, 1973.

4. Learned counsel for the petitioner does not dispute the aforesaid submission but submits that there is urgency in the matter inasmuch as the respondents would be demolishing the disputed premises before the petitioner can file an appeal.

5. Accordingly, this Court is of the considered view that the petitioner has an efficacious remedy of appeal and hence a writ petition with regard to the facts of the present case would not be maintainable under Article 226 of the Constitution of India.

6. Accordingly, the petition is **dismissed** on the ground of alternative remedy.

7. However, it is provided that in case the petitioner files such an appeal within two weeks along with an application for interim relief, the competent authority will duly consider the

same within two weeks thereafter.

8. Till such application, preferred by the petitioner, is decided, the respondents are restrained from taking any action in pursuance of the order dated 15.5.2014

9. In case the application is not filed by the petitioner within the time prescribed the benefit of this order shall not be available to him.

(Arun Kumar Singh Deshwal,J) (Alok Mathur,J.)

Order Date :- 26.6.2024

Vandana