

Court No. - 2

Case :- WRIT - C No. - 10979 of 2024

Petitioner :- Ashish Sharma And 2 Others

Respondent :- U.P. Awas Evam Vikas Parishad Thru. Housing Commissioner Lko. And 4 Others

Counsel for Petitioner :- Shivam Gupta

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

Hon'ble Rajan Roy,J.

Hon'ble Brij Raj Singh,J.

1.Heard.

2. Considering the order proposed to be passed, issuance of notice to private opposite parties is dispensed with.

3. Petitioner alleges construction of opposite party nos.4 and 5 and also that order dated 05.08.2024 has been passed by opposite party no.2, copy of which is annexed as Annexure no.3 to the writ petition directing the S.H.O., P.S.-Ghazipur, Lucknow to stop the illegal construction. Petitioner relies upon an earlier order dated 04.10.2024, however, it is addressed to Devi Lal Kaul who is admittedly no longer the owner of the premises in question which has been purchased by opposite party nos.4 and 5. There is a provision under Section 82 of the U.P. Awas Evam Vikas Parishad Adhiniyam, 1965 (in short 'the Act, 1965') for removal of unauthorized erections wherein Housing Commissioner is competent to take action. who as informed by Sri Ratnesh Chandra, learned counsel for Awas Evam Vikas Parishad has delegated his powers to some other officer of Parishad.

4. Be that as it may, proceedings will have to be drawn under Section 82 of the Act, 1965 with due notice to the persons who has raised the unauthorized construction. Let the petitioner approach the Housing Commissioner or the person authorized in this regard by him by moving appropriate application along with supporting proof, if any, whereupon the said officer shall act in accordance with law and take such decision as is required in law obviously after hearing opposite party nos.4 and 5.

5. With these observations/ direction, the petition is **disposed of**.

6. If any complaint of unauthorized construction of opposite

party nos.4 and 5 has already been made by the petitioner then the Housing Commissioner or whosoever is authorized under Section 82 of the Act, 1965 or any other provision of the Act, 1965 shall take cognizance of the same and do the needful as aforesaid. The notice, if any, to be issued under Section 82 of the Act has to be in the name of the present owner of the premises where unauthorized construction has taken place or is taking place or its occupier.

(Brij Raj Singh,J.) (Rajan Roy,J.)

Order Date :- 19.12.2024

Shanu/-