

Court No. - 2

Case :- WRIT - C No. - 10856 of 2024

Petitioner :- Vijay Kumar Srivastava

Respondent :- State Of U.P. Thru. Prin. Secy. Urban Development U.P.
Lko. And 3 Others

Counsel for Petitioner :- Prateek Shrivastava

Counsel for Respondent :- C.S.C.,M.K. Dixit

Hon'ble Rajan Roy,J.

Hon'ble Brij Raj Singh,J.

Shri Anupam Dwivedi, Advocate has filed his vakalatnama on behalf of respondent No.3- Project Officer Duda, which is taken on record.

Heard.

On being asked to explain the basis for the impugned notice dated 28.02.2024, the counsel appearing for respondent No.3 submitted that based on Geo tagging, amount was sanctioned under the Pradhan Mantri Awas Yojna for repair of a dilapidated house. However, the petitioner without getting the said dilapidated house demolished and undertaking any construction, is seeking realisation of the second installment without utilising the first installment. However, we do not find any such recital in the impugned notice.

This is not how notices are to be issued by the Project Director, DUDA. The noticee should at least know what is the allegation against him, what is the lapse on his part and what he is required to do. Two of these three ingredients are missing or at least they are so vague that we cannot understand what the notice means.

Moreover, the impugned notice is referred as "final notice", but there is no reference to any earlier notice in this regard and the petitioner says that no notice was issued prior to it.

Be that as it may, for all these reasons, we quash the alleged final notice dated 28.02.2024, however with liberty to the opposite party No.3 to proceed afresh keeping in mind what has been stated hereinabove and take such decision as he deems proper after getting the facts verified.

The petition is **disposed of** in the aforesaid terms.

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

Order Date :- 19.12.2024

Gurpreet Singh