

Court No. - 7

Case :- WRIT - C No. - 11005 of 2024

Petitioner :- Ram Kumar Pandey

Respondent :- State Of U.P. Thru. Prin. Secy. Home,Lko. And 7 Others

Counsel for Petitioner :- Himanshu Raghav

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

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the petitioner and Shri Anoop Shukla, learned counsel for the Lucknow Development Authority.

2. The present writ petition has been filed challenging the order dated 18.03.2024 passed by the revisional authority on the revision preferred by the respondent no.7.

3. The contention of learned counsel for the petitioner is that the petitioner is 2/3rd owner of the premises where the offending construction has been raised and the respondents no. 7 and 8 are the owner by virtue of sale deed of 1/3rd portion of property. It is stated that a preliminary decree has also been passed to that effect declaring the petitioner to be 2/3rd owner of the property in question.

4. The genesis of the dispute is the proceedings initiated by the development authority for demolishing the construction allegedly raised by respondents no. 7 and 8. The said proceedings was decided ex-parte against which an appeal was preferred and once again, the appellate authority remanded the matter. It bears from record that once again demolition order came to be passed which was challenged in the appeal and the appeal came to be dismissed, against which the respondents no. 7 and 8 preferred revision.

5. The revisional order, impugned in the present writ petition, holds that the proceedings of demolition have been passed

without giving opportunity of hearing and without considering the material facts and the matter was remanded.

6. Learned counsel for the petitioner, on being asked, as to how does he have the locus to challenge the revisional order, he argues that the revisional order has been obtained on extraneous considerations as alleged in para 39 of the writ petition wherein it was stated that the order was passed on the basis of clandestine transactions involving hefty amount of money, the said paragraphs had been shown on the basis of the documents of records, there are no documents administering the clandestine or hefty payment of money as such no cognizance can be taken of the said averments made in paragraph 39 of the writ petition.

7. The rights of the petitioner and the respondents inter se with relating to ownership of property are pending consideration in a suit, the order impugned does not in any way adversely affect the rights of the petitioner for the title; I do not find reason for the petitioner having any locus to challenge the said order. The petition is **dismissed** for want of locus to challenge the revisional order as no rights to the petitioner are affected by means of the said revision.

8. The writ petition is **dismissed**.

Order Date :- 19.12.2024

J. K. Dinkar