

Court No. - 7

Case :- WRIT - C No. - 11095 of 2024

Petitioner :- Virendra Yadav And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Housing
Urban Planning Deptt. Lko. And 4 Others

Counsel for Petitioner :- Nilesh Singh, Amit Kumar Singh

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

Hon'ble Pankaj Bhatia, J.

1. A mention has been made that demolition is being carried, the Court had granted liberty for filing and consideration of the present writ petition.

2. Heard learned counsel for the petitioners, learned Standing Counsel for the State-respondent, Sri Ratnesh Chandra, learned counsel appearing on behalf of the respondent nos. 2 to 4-Lucknow Development Authority and perused the material brought on record.

3. The contention of the counsel for the petitioners is that an order of demolition came to be passed vide order dated 06.10.2023, which is on record as Annexure No. 2 to this writ petition. It is argued that the said order is a non-speaking order and does not contain any facts whatsoever.

4. The petitioner preferred an appeal before the Commissioner against the said order, however, appeal was dismissed exparte in the presence of the petitioners. The order impugned records that the matter was fixed for hearing on 02.05.2024, 27.06.2024 and 29.08.2024, however, no one appeared for the appellant on 29.08.2024, as such, the appeal was dismissed. The order further records that there are no solid ground in the

appeal. The extensive consideration of the points alleged in the appeal were not considered and the appeal was dismissed based upon a report furnished by the respondents. Challenging the said orders, the contention of the counsel for the petitioners is that the respondents are demolishing the constructions.

5. Learned Standing Counsel states that a revision is maintainable against the order of demolition under Section 41 of the U.P. Urban, Planning and Development Act 1973, as such, the petitioners may be relegated to the remedy of revision.

6. Upholding the said objection, the present petition is ***disposed of*** permitting the petitioners to file a revision against the order dated 01.10.2024 within a period of two weeks from today. The petitioners would be at liberty to file an application for grant of interim relief in the said revision. The said application shall be disposed of by the revisional authority within a period of two weeks of the same being filed. Till the decision on the interim application, no demolition exercise shall be carried. It is made clear that in case the petitioners do not file the revision within two weeks from today, this order shall not come to the benefit of the petitioners.

Order Date :- 18.12.2024

Arun