

Court No. - 2

Case :- WRIT - C No. - 5977 of 2025

Petitioner :- Ramesh Chandra Agrawal

Respondent :- The State Of U.P. Thru. Addl. Chief Secy. Housing And Urban Planning Deptt. And 4 Others

Counsel for Petitioner :- Devansh Singh Chauhan

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

Hon'ble Alok Mathur, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Sri Devansh Singh Chauhan, learned counsel for the petitioner, learned Standing Counsel representing respondents No. 1 & 2 and Sri Namit Sharma, learned counsel for respondents No. 3 & 4.

2. The instant petition has been filed to quash the impugned notice No. D 663/Notice/Ka.Ta./25 dated 05.05.2025 under Section 296 & 299 U.P. Municipal Corporation Act, 1959 and to direct respondent No.4 to decide the objection/reply of the petitioner dated 3.6.2025.

3. It is submitted by learned counsel for petitioner that the petitioner is in receipt of notices under Sections 296 and 299 of U.P. Municipal Corporation Act, 1959, alleging that the petitioner has encroached upon a drain, maintained by Lucknow Nagar Nigam with regard to property situated at Khasra No. 222, area 0.311 hectare (*Nayi Parti*) and Khasra No. 305, area 0.305 hectare (*Nayi Parti*) 0.040 hectare (pond), situated at Village/Mohalla Basaha, by constructing his boundary wall. In the notice it has been stated that either petitioner should remove his illegal encroachment or the same would be removed by the Nagar Nigam and a reply should be submitted by him within 15 days of receipt of the said notice. It is further submitted that the petitioner has already filed his objections on 3.6.2025 and the same are pending consideration before Lucknow Nagar Nigam and despite pendency of the said proceeding, the respondents have proceeded to take coercive action against the petitioner. It has also been submitted that apart from the objections taken by the petitioner and his reply forwarded to the Nagar Nigam, issuance of notice dated 5.5.2025 is without jurisdiction inasmuch as, as per the U.P. Municipal Corporation Act, only the Municipal Commissioner is impart to issue a notice and in the present case the same has been issued by the Officer Incharge (State Property), Government of U.P.

4. It is noticed that once the petitioner has submitted himself to

the jurisdiction of appropriate authority, it would be appropriate for the authority concerned to decide the objections raised by the petitioner, in accordance with law.

5. Liberty is given to the petitioner to file a supplementary reply and take all other objections which are to be taken with regard to notice dated 5.5.2025. Accordingly, one week's further time is granted to the petitioner to file a supplementary reply.

6. The objections are directed to be decided by the competent authority expeditiously within a period of two weeks from the date a supplementary reply is received from the petitioner, in accordance with law, and communicated to him.

7. Accordingly, with the aforesaid direction, the petition is **disposed of**.

Order Date :- 23.6.2025

Vandana

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