

(2009) 11 AHC CK 0152

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No.40429 of 2009

Brijesh Kumar Gupta

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 11-11-2009

Acts Referred:

Citation : (2009) 11 AHC CK 0152

Hon'ble Judges : Rajiv Sharma, J

Final Decision : Dismissed

Judgement

Rajiv Sharma, J.

None responds for the petitioner though the case has been called out in the third revised list. However, Ms. Suman Sirohi, learned Standing Counsel is present.

By means of the instant writ petition, the petitioner prays for a direction in the nature of Certiorari quashing the Advertisement notice dated 27.7.2009 passed by the respondent No.2 (Annexure No.5 to the writ petition). Further, he prays for a direction in the nature of Mandamus directing the respondents that the petitioner may not be vacated from quarter No. Sector D/28, Civil Lines before Jail Gate, District and City Ballia in the interest of justice.

Brief facts of the petitioner's case are that the petitioner is working as Assistant Accountant under the development department of the State in Block Murali Chapara of the District Ballia peacefully without any complaint. He has been allotted Government Quarter No. D/28, Civil Lines, Ballia on 3.11.2001 and since then, he is living in that very quarter. A notice has been advertised by the District Magistrate, Ballia in the Hindustan dated 27th July, 2009 mentioning the name of the petitioner. In the notice, it has specifically been directed that if the quarter in question is not being vacated within a week, a First Information Report will be lodged against him. When the petitioner came to know the aforesaid fact, he immediately moved a representation, which is still pending disposal. Being aggrieved, the instant writ petition has been filed.

Learned Standing Counsel raises a preliminary objection that the petitioner has got specific, efficacious and alternative remedy of approaching the Civil Court by filing a Suit under the provisions of Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972, in case he is aggrieved by the impugned notice.

I have considered the submissions made by the learned Standing Counsel and perused the entire record. In para 10 of the writ petition, it is mentioned that the the persons, who are working outside the district headquarters are also residing in the aforesaid colony and their names are not mentioned in the impugned notice and in In para 11 of the writ petition, it has been mentioned that the petitioner is working very adjacent to the city. Admittedly, the petitioner is not working at Balia, where the quarter has been allotted in the name of the petitioner and is working adjacent to the city, therefore, the petitioner has no right to retain the accommodation in question.

In view of above, the writ petition is dismissed.