
(2017) 04 AHC CK 0084
In the Allahabad High Court
Case No : WRIT - C. No. 12678 of 2017

NPX Unit Owners Welfare Association	Vs	APPELLANT
State of Uttar Pradesh		RESPONDENT

Date of Decision : 10-04-2017

Acts Referred:

Constitution of India, 1950 — Article 32

Citation : (2017) 04 AHC CK 0084

Hon'ble Judges : Dilip B. Bhosale, CJ. and Yashwant Varma, J.

Bench : Division Bench

Advocate : Rohit Ranjan Agarwal, Counsel, for the Petitioner; C.S.C., Shivam Yadav, Counsel, for the Respondent

Final Decision : Disposed Off

Judgement

1. Heard Mr Rohit Ranjan Agarwal, learned counsel for the petitioners, Mr Shivam Yadav, learned counsel for respondent nos.2 and 3 and Mr Pankaj Dubey, learned counsel for respondent no.4.

2. The petitioners have filed this writ petition for the following reliefs:

"(i) to issue a writ, order or direction in the nature of certiorari cancelling the completion certificate dated 22.8.2014 granted by respondent no.2 to respondent no.4 in the building project known as URBTECH-NPX at Plot No.C-1, Sector 153, NOIDA.

(ii) to issue a writ, order or direction in the nature of mandamus directing the respondent no.2 to carry out a fresh inspection of the project and call for the report of the same.

(iii) to issue a writ, order or direction in the nature of mandamus directing for an enquiry against errant officials of the respondent no.2 to fix responsibility of such officials in the matter."

3. We have heard learned counsel for the parties and perused the entire

materials placed before us.

4. Counsel for the parties have agreed for the order that we propose to pass. Hence, we dispose of this writ petition by the following order:

"The stilt area of the building project, namely, URBTECHNPX at Plot No.C-1, Sector 153, NOIDA, shall not be used under any circumstances either by the Builder or by the petitioner or any other person for that matter for any purpose other than parking.

The statement made on behalf of respondent no.4-Builder that the Builder shall never convert or put the stilt area to any other use, is recorded and accepted. The statement made on behalf of the respondent-Development Authority that the Development Authority also shall not grant any permission to use the stilt area other than for parking is recorded and accepted.

In view thereof, learned counsel for the petitioners, submits that the petitioners would shift to the first floor which has been offered by respondent no.4-Builder, within a period of ten weeks from the date of communication issued by respondent no.4 to that effect. Counsel for respondent no.4-Builder, makes a statement that respondent no.4 shall hand over the first floor to the petitioners, within a period of eight weeks from today.

The aforementioned understanding arrived at between the parties through their Advocates in the Court shall not preclude either respondent no.4-Builder or the Development Authority from removing the unauthorized constructions made in the stilt area at the earliest and in any case, within eight weeks from today."