
(2009) 04 AHC CK 0558
In the Allahabad High Court

Sumitra Devi W/O Late Krishna Kumar Misra	APPELLANT
Vs	
State of U.P.Thru Secy.Revenue & Others	RESPONDENT

Date of Decision : 15-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0558

Hon'ble Judges : Pradeep Kant, J and Devendra Kumar Arora, J

Final Decision : Disposed Of

Judgement

Devendra Kumar Arora, J.

Notice on behalf of the respondents 1 to 3 has been accepted by the learned Chief Standing Counsel and on behalf of respondent no.4, notice has been accepted by Sri R.N. Gupta.

The petitioner's case is that without issuing any notice or affording any opportunity and without taking recourse to law as provided under the provisions of the U.P. Z.A. and L.R. Act, the petitioner is required to demolish the existing constructions over plot no.667/0.063, which is said to be Talab.

We without entering into the merits of the claim of the petitioner that whether the land in question is Talab or not, do find that since the order of demolition has been passed without affording any opportunity to the petitioner, direct that the petitioner may take this order as a notice and submit her reply, justifying her constructions over the land in question. In case such objections are filed within a period of two weeks, the demolition shall not be effected unless the objections are decided, after affording opportunity to the parties concerned, subject to any further challenge being made, as may be provided under law.

We, therefore, dispose of the writ petition finally with the directions aforesaid and give liberty to the petitioner to file objections within two weeks. The respondents shall first take a decision on the objections so filed and the existing constructions over the land in question shall not be demolished till the objections are decided. The objections shall be decided within a maximum period of six

weeks from the date of receipt of a certified copy of this order after affording opportunity to the parties concerned.