

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 918 OF 2022**

IN THE MATTER OF:

Narendra Kushwaha

...Applicant

Versus

Union of India & Ors.

..Respondents

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Through



AKASH VASHISHTHA

(Advocate for the Applicant)

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Dated:- 19.11.2024

BEFORE THE NATIONAL GREEN TRIBUNAL
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**ADDITIONAL AFFIDAVIT ON BEHALF OF THE
APPLICANT**

The Applicant above-named

MOST RESPECTFULLY SHOWETH:

1. That the present Application raises substantial questions of environment and the deprivation of the Fundamental Right to a Clean and Healthy Environment arising out of the widespread illegal constructions and encroachments on in Mouza- Dadiapura with Arajis Nos. 1136, 1154, 155, 1163, 1164, 1165, 1168, 1206 etc., Mouza- Pichor with Arajis Nos. 908, 909, 910, 911, 912, 917, 932, 933, 934, 935, 936, 752, 753, 754, 755, 817, 818, 819, 820, 821, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 760, 856 etc., Mouza- Jhansi Khas with Arajis No. 751 etc., Mouza- Vudha with Arajis Nos. 38, 123, 132, 133, 297, 298, 300, 304, 305 etc. and Mouza-Nayagaon with

Araji Nos. 560/8, 560/9, which are shown as green belt and parks as per Jhansi Master Plan of 2001 and 2021.

2. That vide Order, dated: 09.08.2024, this Hon'ble Tribunal had permitted the Applicant, herein, to place on record the details of the 177 Writ Petitions filed by persons who had raised illegal and unauthorized constructions on the lands earmarked as Green Belts and Parks, which were dismissed by the Hon'ble Allahabad High Court.
3. That the Applicant has prepared a detail of 16 Writ Petitions, which had been disposed of by the Hon'ble Allahabad High Court. It is submitted that the Counsel below-named had erroneously submitted that 177 Writ Petitions were dismissed by the Hon'ble High Court. The correct position, however, is that the Writ Petition of 177 persons were dismissed/disposed of by the Hon'ble High Court in Writ-C No. 3154/2023, *Usha Devi & 177 Ors. Vs. State of U.P. & Ors.*

The details of the 16 Writ Petitions, as compiled by the Applicant, are as under:

Disposed-of Cases (16)

1)WRIC/8051/2022

CASE IS NOT ALLOCATED TO COURT.

ARJUN SINGH AND 42 OTHERS Vs STATE OF U.P.
AND 4 OTHERS

2)WRIC/3154/2023

CASE IS NOT ALLOCATED TO COURT.

USHA DEVI AND 177 OTHERS Vs STATE OF U.P. AND
3 OTHERS

3)WRIC/11931/2023

CASE IS NOT ALLOCATED TO COURT.

UMA DEVI AND 84 OTHERS Vs STATE OF U.P. AND 4
OTHERS

4)WRIC/15141/2023

CASE IS NOT ALLOCATED TO COURT.

NANDKISHOR Vs STATE OF U.P. AND 4 OTHERS

5)WRIC/17402/2023

CASE IS NOT ALLOCATED TO COURT.

SMT. LALLY YADAV AND 55 OTHERS Vs STATE OF
U.P. AND 3 OTHERS

6)WRIC/21304/2023

CASE IS NOT ALLOCATED TO COURT.

BHAGIRATH AHIRWAR Vs STATE OF U.P. AND 4
OTHERS

7)WRIC/24931/2023

CASE IS NOT ALLOCATED TO COURT.

SMT SHANTI DEVI AND 9 OTHERS Vs STATE OF U.P.
AND 3 OTHERS

8)WRIC/25208/2023

CASE IS NOT ALLOCATED TO COURT.

*ARJUN SINGH YADAV AND ANOTHER Vs STATE
OF U.P. AND 4 OTHERS*

9)WRIC/25240/2023

CASE IS NOT ALLOCATED TO COURT.

HAR SINGH @ HARI SINGH KUSHWAHA Vs STATE
OF U.P. AND 3 OTHERS

10)WRIC/28365/2023

CASE IS NOT ALLOCATED TO COURT.

KRISHNA GOPAL PRAJAPATI AND 3 OTHERS Vs
STATE OF U.P. AND 4 OTHERS

11)WRIC/18440/2023

Consigned to Record

SMT POONAM SRIVASTAVA AND 45 OTHERS Vs
STATE OF U.P. AND 4 OTHERS

12)WRIC/22482/2023

Consigned to Record

PUSPENDRA SINGH RATHORE AND ANOTHER Vs
STATE OF U.P. AND 4 OTHERS

13)WRIC/10463/2024

CASE IS NOT ALLOCATED TO COURT.

Disposed off/Decided on merits

VIVEK SEN AND 12 OTHERS Vs State of UP AND 4
OTHERS

14)WRIC/7514/2024

CASE IS NOT ALLOCATED TO COURT.

Disposed off/Decided on merits

SMT BABITA SAHU AND 5 OTHERS Vs State of UP
AND 4 OTHER

15)WRIC/2665/2024

CASE IS NOT ALLOCATED TO COURT.

Consigned to Record

SMT NANDITA TIWARI Vs State of UP AND 4 OTHERS

16)WRIC/2318/2024

CASE IS NOT ALLOCATED TO COURT.

Consigned to Record

SHYAMLAL AND 18 OTHERS Vs State of UP AND 2
OTHERS

(A True Copy of the Order, dated: 20.02.2024, passed by the
Hon'ble Allahabad High Court in WRIC 2318/2024,
Shyamlal & Ors. Vs. State of UP & Ors., is annexed
herewith and marked as **ANNEXURE AA-1**)

4. That the Applicant had further filed an RTI Application, dated: 22.10.2024, with the Jhansi Development Authority (JDA), seeking information on the 663 Petitions instituted before the Hon'ble Allahabad High Court with respect to the Case Status, Case Nos. Orders, passed therein and the next date of hearing etc. The same is still pending with the JDA.

(A True Copy of the RTI Application, dated: 22.10.2024, filed by the Applicant with the Jhansi Development Authority (JDA) is annexed herewith and marked as **ANNEXURE AA-2**)

(A True Copy of the Online RTI Status Page is annexed herewith and marked as **ANNEXURE AA-3**)

5. That the JDA officials have been in cahoots with the land mafia, colonizers and developers. Because of the ingrained nexus, which is persisting till date, and to conceal their wrongdoings over last several years, the JDA officials are making every attempt to shield these illegal and unauthorized constructions by filing completely false information and reports related to the cases before the Hon'ble High Court and presenting wrong interpretation of the Orders passed therein, before this Hon'ble Tribunal as well as placing incorrect interpretation of the Section 54 of the Uttar Pradesh Urban Planning and Development Act, 1973.

6. That the removal of illegal and unauthorized constructions and encroachments from the Green Areas are vital to secure the Fundamental Rights of the residents of Jhansi to a clean and healthy environment.

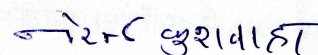
PRAYER

In view of the above, this Hon'ble Tribunal may, graciously, be pleased to:

- (i) Grant the reliefs and prayers sought in the Original Application;
- (ii) Direct the Respondents to disconnect all electricity and water connections to the illegal and unauthorized constructions and encroachments on the areas designated as Green Belt or Parks under the Jhansi Master Plan of 2001 and 2021; dismantling of all roads and drains illegally constructed therefor; direct that no electricity, water, roads, drains and other utilities/services be provided to the illegal and unauthorized occupants on such lands;
- (iii) Direct high-level inquiry/fact-finding to ascertain the names and roles of the JDA and District administration officials and colonizers/land developers/land grabbers who had been involved in

the usurping of public green lands and the illegal sale thereof;

- (iv) Impose Environmental Compensation on the JDA and other persons involved in the illegal and unauthorized constructions and encroachments on the community green lands;
- (v) Restitution of the damaged ecology and environment by conducting massive afforestation/plantations and creating climate resilient ecosystems on the areas designated as Green Belt or Parks under the Jhansi Master Plan of 2001 and 2021;
- (vi) Pass any other or such further Order or direction(s) as this Hon'ble Tribunal may deem appropriate and proper in the facts and circumstances of the instant case.



APPLICANT

Through



AKASH VASHISHTHA

(Advocate for the Applicant)

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Delhi High Court, New Delhi-110002

Ph.: 9717006866

Email: akashvashishtha.official@gmail.com

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AFFIDAVIT

I, Narendra Kushwaha, S/o. Sh. Munna Lal Kushwaha, aged about 42 years, R/o Pichor, Behind Medical College, Police Station Nawabad, Jhansi (Uttar Pradesh) – 284128, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the above-mentioned Original Application and am fully conversant with the facts and circumstances of the case and am competent to swear this affidavit.
2. That the Additional Affidavit has been drafted by my counsel on my instructions. The contents of the same have been read over and explained to me in my language and the same are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

3. That I further say that the Annexures attached with the Additional Affidavit are true copies of their respective originals.

[Handwritten Signature]
 I, IDENTIFIED THE
 DEPONENT WHO HAS
 SIGNED IN MY PRESENCE

[Handwritten Signature]

DEPONENT

VERIFICATION:

I, the deponent above-named do hereby verify that the contents of this Additional Affidavit from Para 1 to 3 are true to my knowledge nothing material has been concealed therefrom.

VERIFIED at New Delhi on this 19 NOV 2024 day of November, 2024.



ATTESTED
[Handwritten Signature]
NOTARY PUBLIC

[Handwritten Signature]

DEPONENT

Court No. - 40

Annexure AA-1

Case :- WRIT - C No. - 2318 of 2024

Petitioner :- Shyamlal And 18 Others

Respondent :- State Of Up And 2 Others

Counsel for Petitioner :- Babu Lal Ram

Counsel for Respondent :- C.S.C.,Nagesh Kumar

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard learned counsel for the petitioners and Sri Nagesh Kumar for the respondents.

2. It is pointed out that similar controversy, as is raised in this petition, has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1)Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a

notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitled to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 20.2.2024

Anil



ऑनलाइन आरटीआई स्थिति प्रपत्र

पंजीकरण संख्या	JHNDV/R/2024/60048
नाम	Narendra kushwaha
फाइलिंग की तारीख	22/10/2024
स्थिति	आरटीआई आवेदन प्राप्त हुआ दिनांक 22/10/2024
<u>PIO Details</u>	
PIO NAME	Jitendra Singh Saharwar
Desination	Town Planner
Phone No.	9506034343
Email Id	jda_jhansi@rediffmail.com
<u>नोडल अधिकारी विवरण</u>	
नाम	SHAIENDRA KUMAR
ईमेल आईडी	jda_jhansi@rediffmail.com

आरटीआई आवेदन प्रिंट करें

प्रिंट स्थिति

वापस जाओ

ऑनलाइन आरटीआई अनुरोध फॉर्म विवरण

जन सूचनाअधिकारी का विवरण :-

* लोक प्राधिकारी	झाँसी विकास प्राधिकरण
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आरटीआई आवेदक का व्यक्तिगत विवरण:-

पंजीकरण संख्या	JHNDV/R/2024/60048
फाइलिंग की तारीख	22/10/2024
* नाम	Narendra kushwaha
लिंग	पुरुष
* पता	pichhor, behind medical college , jhansi, jhansi
ज़िला	Jhansi
पिन कोड	284128
राज्य	Uttar Pradesh
शैक्षिक स्थिति	शिक्षित
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मोबाईल नम्बर	+91-9452041529
ईमेल आईडी	kushwaha2001[at]gmail[dot]com
नागरिकता	भारतीय
* क्या आवेदक गरीबी रेखा से नीचे का है ?	नहीं

RTI आवेदन का विवरण u/s 6(1) :-

(मांग की गई जानकारी का विवरण (500 शब्द तक))

* जानकारी का विवरण मांगा	मांगी गई सूचना बिन्दु एवं सूचना से संबंधित प्रपत्र 47 पृष्ठ संलग्न है।
* संबंधित पीआईओ	Jitendra Singh Saharwar
पदनाम	Town Planner
फोन नंबर।	9506034343
ईमेल	jda_jhansi@rediffmail.com

समर्थनकारी दस्तावेज ((केवल पीडीएफ में 1 एमबी तक))



प्रिंट

बंद करें

माननीय राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली में योजित (याचिका) ओ.ए. 918/2022, एवं नगर पार्क की भूमि से संबंधित मांगी गई निम्नलिखित सूचना प्रमाणित प्रति में उपलब्ध कराएं।

- जेडीए द्वारा माननीय न्यायाधिकरण के समक्ष उपरोक्त ओ.ए. 918/2022 में प्रेषित आख्या दिनांक 06.08.2024 के अनुसार माननीय उच्च न्यायालय इलाहाबाद के समक्ष 633 याचिका प्रस्तुत की गयी, इन सभी याचिकाओं की केस स्थिति व केस संख्या व केस निर्णय तिथि और केस निर्णय/आदेश की प्रति उपलब्ध कराएं।
- जेडीए द्वारा माननीय न्यायाधिकरण के समक्ष प्रेषित आख्या दिनांक 06.08.2024 के अनुसार माननीय उच्च न्यायालय इलाहाबाद के समक्ष 633 याचिका प्रस्तुत की गयी, जिसमें से लंबित सभी याचिकाओं की सुनवाई और निर्णय/आदेश हेतु निर्धारित नीयत तिथि की जानकारी उपलब्ध कराएं।
- जेडीए द्वारा माननीय न्यायाधिकरण के समक्ष प्रेषित आख्या दिनांक 06.08.2024 के अनुसार माननीय उच्च न्यायालय इलाहाबाद के समक्ष प्रस्तुत 633 याचिकाओं में शामिल याचिका संख्या WRIC/8051/2022, WRIC/3154/2023, WRIC/11931/2023, WRIC/15141/2023, WRIC/17402/2023, WRIC/21304/2023, WRIC/24931/2023, WRIC/25208/2023, WRIC/25240/2023, WRIC/28365/2023, WRIC/18440/2023, WRIC/22482/2023, WRIC/2665/2024, WRIC/7514/2024, WRIC/10463/2024 की केस स्थिति एवं केस निर्णय तिथि की जानकारी उपलब्ध कराएं।
- जेडीए द्वारा माननीय न्यायाधिकरण के समक्ष प्रेषित आख्या दिनांक 06.08.2024 के अनुसार माननीय आयुक्त न्यायालय में लंबित सभी अपीलों की केस स्थिति व केस संख्या व केस निर्णय तिथि और केस निर्णय/आदेश की प्रति उपलब्ध कराएं।
- प्रश्नगत ओ.ए. 918/2022 में उल्लेख पार्कों की भूमि को आवासीय दर्शाकर प्लाट/भू-खण्ड बेचने और अवैध कॉलोनी विकसित करने वाले विकासकर्ताओं के विरुद्ध जेडीए द्वारा की गयी संपूर्ण कार्यवाही की प्रति उपलब्ध कराएं।
- प्रश्नगत ओ.ए. 918/2022 में उल्लेख नगर पार्क की भूमि को आवासीय दर्शाकर प्लाट/भू-खण्ड बेचने वाले प्रतिवादीगण के विरुद्ध जेडीए द्वारा वर्ष 2015 में जारी नोटिस संख्या 33 व 34 व 35 की केस स्थिति व केस निर्णय तिथि व सुनवाई एवं निर्णय/आदेश हेतु निर्धारित नीयत तिथि की जानकारी और केस निर्णय/आदेश की प्रति उपलब्ध कराएं।
- प्रश्नगत ओ.ए. 918/2022 में उल्लेख पार्कों की भूमि पर किये गये अवैध निर्माणों से संबंधित माननीय आयुक्त न्यायालय में लंबित सभी अपीलों की केस स्थिति व केस संख्या व केस निर्णय तिथि और केस निर्णय/आदेश की प्रति उपलब्ध कराएं।
- प्रश्नगत ओ.ए. 918/2022 में उल्लेख पार्कों की भूमि पर किये गये अवैध निर्माणों एवं अवैध कॉलोनियों में संबंधित विभागों द्वारा सड़क, नाली, बिजली, पानी आदि के विकास कार्य कराने और दिये जा रहे बिजली, पानी के कनेक्शन को रोकने एवं हटाने के संबंध में जेडीए द्वारा की गयी संपूर्ण कार्यवाही की प्रति उपलब्ध कराएं।
- विद्युत विभाग द्वारा जेडीए को भेजा गया पत्रांक संख्या 3078 दिनांक 17.08.2025 के संबंध में की गयी संपूर्ण कार्यवाही की प्रति उपलब्ध कराएं।
- लक्ष्मी ताल के निकट नगर पार्क हेतु प्रस्तावित शासकीय भूमि के सभी खसरा नंबरों की जानकारी एवं उक्त खसरा नंबरों पर किये गये अतिक्रमण व अवैध निर्माणों की के संबंध में की गयी संपूर्ण कार्यवाही की प्रति उपलब्ध कराएं।
- जेडीए की अनाधिकृत कॉलोनियों की सूची (1979-2001 महायोजना के अनुसार) लक्ष्मी ताल के निकट नगर पार्क हेतु मौजा पिछोर, डड़ियापुरा और तालपुरा में प्रस्तावित भूमि का कुल क्षेत्रफल एवं प्रतिकूल भू-उपयोग निर्मित क्षेत्रफल की जानकारी उपलब्ध कराएं।

मांगी गई सूचना से संबंधित प्रपत्र संलग्न है

- बिन्दु संख्या 3 में उल्लेख 15 याचिकाओं में पारित अंतिम आदेश
- बिन्दु संख्या 6 में उल्लेख जेडीए द्वारा वर्ष 2015 में जारी नोटिस संख्या 33 व 34 व 35
- बिन्दु संख्या 9 में उल्लेख विद्युत विभाग द्वारा जेडीए को भेजा गया पत्रांक संख्या 3078 दिनांक 17.08.2025 की आख्या
- बिन्दु संख्या 11 में उल्लेख अनाधिकृत कॉलोनियों की सूची

दिनांक 22.10.2024

आवेदनकर्ता

12-5 23 11/15
(नरेन्द्र कुशावाहा)

Court No. - 40**Case :-** WRIT - C No. - 2665 of 2024**Petitioner :-** Smt Nandita Tiwari**Respondent :-** State Of Up And 4 Others**Counsel for Petitioner :-** Lavlesh Kumar Sharma, Kamini Pandey (Dubey)**Counsel for Respondent :-** C.S.C., Prabhat Tripathi**Hon'ble Ashwani Kumar Mishra, J.****Hon'ble Syed Qamar Hasan Rizvi, J.**

This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State.

Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1)Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2)If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitle to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to

interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records.

Order Date :- 5.2.2024

Ashok Kr.

Court No. - 29**Case :-** WRIT - C No. - 7514 of 2024**Petitioner :-** Smt Babita Sahu And 5 Others**Respondent :-** State Of Up And 4 Others**Counsel for Petitioner :-** Kamini Pandey (Dubey), Lavlesh Kumar Sharma**Counsel for Respondent :-** C.S.C., Prabhat Tripathi**Hon'ble Vivek Kumar Birla, J.****Hon'ble Donadi Ramesh, J.**

1. Heard Sri Lavlesh Kumar Sharma, learned counsel for the petitioners and Sri Prabhat Tripathi, learned counsel for the respondent-Development Authority.

2. Present writ petition has been filed for following reliefs:

"(i) Issue a writ order or direction in the nature of mandamus commanding/directing to the respondent No. 1 to take the effective action upon the notices dated 12.04.2023 and 26.06.2023 given to the respondent no.3 and reminder dated 03.01.2024 sent to the respondent no.1 under Section 54 of U.P. Urban Planning and Development Act, 1973.

(ii) Issue a writ order or direction in the nature of mandamus commanding the respondent no.2 not to take any coercive action against the petitioners in pursuance of the master plan 2021, effective from the 2005 in respect of the disputed Arazi's as it was not acquired by the respondent Authority within 10 years from the date of notification.

(iii) Issue a writ order or direction in the nature of certiorari quashing the show cause notices dated 20.02.2023 and 22.02.2023 issued by the respondent no.3/Secretary Jhansi Development Authority Jhansi."

3. Identical controversy raised in the present petition was the subject matter of consideration before this Court in Writ-C No. 2665 of 2024, which has been decided by following orders passed on 5th of February, 2024.

4. Since the issues are identical, this petition is also disposed of in terms of the aforesaid order dated 5.2.2024.

Order Date :- 7.3.2024

Noman

Court No. - 40

Case :- WRIT - C No. - 10463 of 2024

Petitioner :- Vivek Sen And 12 Others

Respondent :- State Of Up And 4 Others

Counsel for Petitioner :- G.S. Chauhan

Counsel for Respondent :- C.S.C.,Nagesh Kumar

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri G.S. Chauhan, learned counsel for the petitioners, Sri Devesh Vikram, learned A.C.S.C. for the State respondents and Sri Nagesh Kumar, learned counsel for the respondent Nos.2 and 3.

2. The present writ petition has been preferred praying for the following relief:

"(A) Issue a writ order or direction in the nature of mandamus commanding/directing to the respondent No.1 to take the effective action upon 27.3.2023 and the notices 25.3.2023, 28.03.2023 given to the respondent nos. 2 and 3 under section 54 of U.P. Urban Planning and Development Act 1973,

(B) Issue a writ order or direction in the nature of mandamus direct the respondent no. 2 not to any coercive action against the petitioners, in pursuance of the master plan 2021 effective from 2005 in respect of land in question,

(C) Issue a writ order or direction in the nature of certiorari quashing the show-cause notices dated 8.4.2022, 24.2.2023, 25.2.2023 22.2.2023, and 23.2.2023 issued by the respondent no.3/Secretary Jhansi Development Authority Jhansi."

3. It is pointed out that similar controversy, as is raised in this petition, has been adjudicated by the Division Bench in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been

got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Park despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1)Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2)If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitle to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with

the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. Learned counsel for the contesting respondent has also apprised that similar indulgence has also been extended by the coordinate bench vide order dated 20.02.2024 in Writ-C No.2318 of 2024 (Shyamlal and 18 others vs. State of U.P. and 2 others). He submits that he has no objection in case the present writ petition stands disposed of in the light of the order passed in Smt. Nandita Tiwari's case (supra).

4. Accordingly, the present petition also stands **disposed of** in terms of order of Smt. Nandita Tiwari's case (supra).

Order Date :- 8.4.2024

NLY

Chief Justice's Court**Case :-** WRIT - C No. - 22484 of 2023**Petitioner :-** M/S R.K. Construction Indra Colony**Respondent :-** State Of U.P. And 3 Others**Counsel for Petitioner :-** Neeraj Srivastava**Counsel for Respondent :-** CSC, Manoj Kumar Mishra, Uttar
Kumar Goswami**Hon'ble Pritinker Diwaker, Chief Justice****Hon'ble Ashutosh Srivastava, J.**

1. According to the petitioner, certain admitted amount for carrying out the construction work has not been paid to him and, therefore, appropriate direction be issued.
2. Learned counsel appearing for Respondent No.4 submits that there is no amount which is admitted by respondent no.4 and he has filed the counter affidavit to this effect.
3. As disputed questions of facts are involved in the present case which require appropriate adjudication by the competent court and, therefore, no relief as prayed for, can be granted.
4. The writ petition is accordingly disposed of, leaving it open for the petitioner to avail the alternative remedy available to him under the law.

Order Date :- 18.9.2023

rkg/pks

(Ashutosh Srivastava, J.) (Pritinker Diwaker, CJ.)

Court No. - 46**Case :-** WRIT - C No. - 18440 of 2023**Petitioner :-** Smt Poonam Srivastava And 45 Others**Respondent :-** State Of U.P. And 4 Others**Counsel for Petitioner :-** Virendra Singh Patel**Counsel for Respondent :-** C.S.C.,Prabhat Tripathi**Hon'ble Ashwani Kumar Mishra,J.****Hon'ble Syed Aftab Husain Rizvi,J.**

Following prayers are made in the writ petition:-

"(i) Issue a writ, order or direction in the nature of Mandamus directing the respondent authority to not implement and act upon their master plan of the year 2021 effective from 2005 in respect of Arazi No. 1084, 1099 situated in the Mauza Dadiyapura, Jhansi, Arazi No. 229, 233, 236, 265 situated in the Mauza Talpura, Jhansi & Arazi No. 931 situated in the Pichor, Jhansi.

"(ii) Issue a writ, order or direction in the nature of Mandamus commanding and directing to the respondent No. 2 to consider and decide the representation of the petitioners by invoking their powers available under Section 13 of the U.P. Urban Planning & Development Act, 1973 to amending the Master Plan keeping in view of the present use of land."

By way of amendment, following additional prayers are introduced which are as under:-

"(i) Issue a writ, order or direction in the nature of Certiorari quashing the Show Cause Notices issued by the respondent Nos. 2 & 3, in pursuance to the Master Plan, 2021.

"(ii) Issue a writ, order or direction in the nature of Mandamus commanding and directing to the respondents not to interfere in the peaceful living and working of the petitioners."

There are 46 petitioners in the present writ, who are all aggrieved by show cause notices issued by the Development Authority calling upon them to demolish their unauthorized constructions. These notices are challenged on various grounds.

Admittedly none of the petitioners have any sanctioned plan obtained from the Development Authority and it is otherwise not disputed that the plots owned by all the petitioners situate within the development area of the Jhansi Development Authority. In

view of specific statutory mandate contained in Sections 14 and 15 of the Act of 1973, it would not be possible for any occupant of plot to raise constructions without obtaining prior permission of the Development Authority, in accordance with the Act of 1973. For any other objections, which may be available to the petitioners, it is always open for them to file an objection to the notice itself, which shall be dealt with, in accordance with law.

We may otherwise clarify that without there being any challenge to the master plan, it would not be open for this Court to entertain a prayer to restrain the respondents from implementing the master plan. Prayer in that regard is, therefore, declined.

Leaving it open to the petitioners to pursue their remedy before the competent forum, in accordance with the Act of 1973, this petition is cosigned to records.

Order Date :- 17.7.2023

RA

Court No. - 40**Case :-** WRIT - C No. - 28365 of 2023**Petitioner :-** Krishna Gopal Prajapati And 3 Others**Respondent :-** State Of U.P. And 4 Others**Counsel for Petitioner :-** Kamini Pandey (Dubey), Lavlesh Kumar Sharma**Counsel for Respondent :-** Prabhat Tripathi**Hon'ble Ashwani Kumar Mishra,J.****Hon'ble Syed Qamar Hasan Rizvi,J.**

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitled to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 25240 of 2023

Petitioner :- Har Singh @ Hari Singh Kushwaha

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Harish Chandra Mishra, Narendra Mohan

Counsel for Respondent :- C.S.C.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitle to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 25208 of 2023

Petitioner :- Arjun Singh Yadav And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Ruchita Jain

Counsel for Respondent :- C.S.C.,Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitled to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 24931 of 2023

Petitioner :- Smt Shanti Devi And 9 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Niraj Tiwari,Rohit Tiwari

Counsel for Respondent :- Arjun Prasad Yadav

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1)Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitle to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 21304 of 2023

Petitioner :- Bhagirath Ahirwar

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Kamini Pandey (Dubey), Lavlesh Kumar Sharma

Counsel for Respondent :- C.S.C., Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitled to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 17402 of 2023

Petitioner :- Smt. Lally Yadav And 55 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Shashwat Kishore Chaturvedi

Counsel for Respondent :- C.S.C.,Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitled to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 15141 of 2023

Petitioner :- Nandkishor

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Kamini Pandey (Dubey), Lavlesh Kumar Sharma

Counsel for Respondent :- C.S.C., Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitled to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 11931 of 2023

Petitioner :- Uma Devi And 84 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Kamini Pandey (Dubey), Lavlesh Kumar Sharma

Counsel for Respondent :- C.S.C., Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitled to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 3154 of 2023

Petitioner :- Usha Devi And 177 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Kamini Pandey (Dubey), Lavlesh Kumar Sharma

Counsel for Respondent :- C.S.C., Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitled to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 8051 of 2022

Petitioner :- Arjun Singh And 42 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Kamini Pandey (Dubey), Lavlesh Kumar Sharma

Counsel for Respondent :- Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitled to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/



झांसी विकास प्राधिकरण, झांसी

कारण बताओ नोटिस

सेवा में

1. श्री के0आर0 टोकसे पुत्र श्री राधाकिशन टोकसे
निवासी-होटल हाईवे के पीछे, सीपरी बाजार, झांसी।
2. श्री भगवानदास पुत्र श्री सुनके निवासी -ग्राम पिछोर झांसी।

संख्या 34 / जे.डी.ए./अवैध निर्माण/2015-16

दिनांक 20 जुलाई 2015

विषय : उ.प्र. नगर नियोजन विकास अधिनियम 1973 की धारा-27 के अधीन नोटिस।

आपने ग्राम पिछोर के गाटा सं0- 826 से 843 तक झांसी (उ0प्र0) में स्थित निम्नलिखित विकास कार्य शुरु किया है/कर रहे है/पूरा किया है।

गौजा पिछोर के गाटा सं0- 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, कुल 18 किता रकवा 4.010 हेक्टेयर भूमि पर बिना लेआउट प्लान स्वीकृत कराये अवैध रूप से भू-खण्डों के रूप में विभाजित कर विक्रय किया जा रहा है। स्थल पर भूमि का भू-खण्डों के रूप में विभाजित कर विक्रय करने की कोई अनुमति/स्वीकृति नहीं दिखाई गई।

यह उत्तर प्रदेश नगर नियोजन तथा विकास अधिनियम, 1973 की धारा-14 के अधीन इस प्राधिकरण की अनुज्ञा अनुमोदन या संस्वीकृति बिना, महा प्रयोजन/क्षेत्रीय विकास प्रयोजन का उल्लंघन है और उन शर्तों का जिनके अधीन यह अनुज्ञा अनुमोदन या संस्वीकृति दी गई थी, का उल्लंघन है।

दिनांक 05-8-2015 को 10.00 बजे प्रातः आकर कारण बताये कि क्यों न उपर्युक्त अनाधिकृत विकास को गिराने/ समाप्त करने के आदेश जारी किए जायें।

सचिव/प्राधिकृत अधिकारी
झांसी विकास प्राधिकरण, झांसी

नोट :- (1) आपका ध्यान उक्त अधिनियम की धारा-26 की ओर दिलाया जाता है जिसके अधीन आप जुर्माने के दण्ड के पात्र हैं (प्राधिकरण की अनुज्ञा के बिना निर्माण करने के लिए जैसा कि उक्त अधिनियम की धारा-14 के अधीन आवश्यक है।) जो रू0 50,000/- (पचास हजार) तक बढ़ सकता है और जुर्म के जारी रहने पर आगे रू0 2500/- (पच्चीस सौ) प्रतिदिन, जिन दिनों में ऐसा जुर्म पहली जुर्म शुरु करने की सजा के बाद चालू रहजा है के हिसाब से बढ़ सकता है या दोनों के भागीदार होंगे।

(2) आपका ध्यान उक्त अधिनियम की धारा-26(3) की ओर दिलाया जाता है जिसके अधीन यदि आप ऐसे व्यक्ति का जो अधिनियम की धारा-25 के अधीन किसी भूमि या भवन के अन्दर प्रवेश पाने का प्राधिकृत है, रोकते हैं अथवा प्रवेश के बाद उसके साथ दुर्व्यवहार करते हैं तो आप छह महीने तक कैद की सजा या जुर्माना जो एक हजार रू. तक बढ़ सकता है या दोनों के भागीदार होंगे।

उपरोक्त नोटिस की दो प्रतियां सन्तोष कुमार पत्रवाहक को इस आशय से वह सम्बन्धित व्यक्ति को नोटिस की तामीली कराये तथा न होने की दशा में नियमानुसार चरखा की कार्यवाही करें।

सचिव/प्राधिकृत अधिकारी

झांसी विकास प्राधिकरण, झांसी



कारण बताओ नोटिस

सेवा में

1. श्री धमेन्द्र कुमार व श्री धीरेन्द्र कुमार पुत्र श्री राम नाथ निवासी-उजयान मोठ झांसी।
2. श्री हरीदास व श्री भगवान दास नि०- ग्राम पिछोर झांसी।
3. श्रीमती लीला पत्नी श्री कन्हैया लाल नि०- होटल हाईवे के पीछे सीपरी बाजार झांसी।
4. श्री कं०आर० टोकसे पुत्र श्री राधा किशन टोकसे नि०- होटल हाईवे के पीछे सीपरी बाजार झांसी।
5. श्रीमती यासीन पुत्र श्री बसीर नि०- 7481, शिवाजी नगर झांसी।
6. श्री अकरम पुत्र श्री यासीन नि०- 7481, शिवाजी नगर झांसी।
7. अब्दुल करीम उर्फ सूके पुत्र श्री हाजी खुराबख्श नि०-141 अन्दर उन्नाव गेट झांसी।

संख्या 35/जे.डी.ए./अवैध निर्माण/2015-16

दिनांक 28 जुलाई 2015

विषय : उ.प्र. नगर नियोजन विकास अधिनियम 1973 की धारा-27 के अधीन नोटिस।

आपने ग्राम पिछोर के गाटा सं०- 753, 754, 753 818, 819, 820, झांसी (उ०प्र०)। में स्थित निम्नलिखित विकास कार्य शुरु किया है/कर रहे है/पूरा किया है।

ग्राम पिछोर के गाटा सं०- 753, 754, 753 818, 819, 820, कुल किता 6 रकवा लगभग 1.882 हेक्टर भूमि पर बिना ले-आउट प्लान स्वीकृत कराये अवैध रूप से भू-खण्डों के रूप में विभाजित कर विक्रय किया जा रहा है। स्थल भूमि को भू-खण्डों के रूप में विभाजित कर विक्रय करने की कोई अनुमति/स्वीकृति नहीं दिखाई गई।

यह उत्तर प्रदेश नगर नियोजन तथा विकास अधिनियम, 1973 की धारा-14 के अधीन इस प्राधिकरण की अनुज्ञा अनुमोदन या संस्वीकृति बिना, महा प्रयोजन/क्षेत्रीय विकास प्रयोजन का उल्लंघन है और उन शर्तों का जिनके अधीन यह अनुज्ञा अनुमोदन या संस्वीकृति दी गई थी, का उल्लंघन है।

दिनांक 05-07-2015 को 10.00 बजे प्रातः आकर कारण बताये कि क्यों न उपर्युक्त अनाधिकृत विकास को गिराने/ समाप्त करने के आदेश जारी किए जायें।

सचिव/प्राधिकृत अधिकारी

0/c झांसी विकास प्राधिकरण, झांसी

नोट - (1) आपका ध्यान उक्त अधिनियम की धारा-26 की ओर दिलाया जाता है जिसके अधीन आप जुर्माने के दण्ड के पात्र हैं (प्राधिकरण की अनुज्ञा के बिना निर्माण करने के लिए जैसा कि उक्त अधिनियम की धारा-14 के अधीन आवश्यक है।) जो रू० 50,000/- (पचास हजार) तक बढ़ सकता है और जुर्म के जारी रहने पर आगे रू० 2500/- (पच्चीस सौ) प्रतिदिन, जिन दिनों में ऐसा जुर्म पहली जुर्म शुरु करने की सजा के बाद चालू रहजा है, के हिसाब से बढ़ सकता है या दोनों के भागीदार होंगे।

(2) आपका ध्यान उक्त अधिनियम की धारा-26(3) की ओर दिलाया जाता है जिसके अधीन यदि आप ऐसे व्यक्ति का जो अधिनियम की धारा-25 के अधीन किसी भूमि या भवन के अन्दर प्रवेश पाने का प्राधिकृत है, रोकते हैं अथवा प्रवेश के बाद उसके साथ दुर्व्यवहार करते हैं तो आप छह महीने तक कैद की सजा या जुर्माना जो एक हजार रू. तक बढ़ सकता है या दोनों के भागीदार होंगे।

उपरोक्त नोटिस की दो प्रतियां सन्तोष कुमार पत्रवाहक को इस आशय से वह सम्बन्धित व्यक्ति को नोटिस की तामीली कराये तथा न होने की दशा में नियमानुसार चस्पा की कार्यवाही करें।

सचिव/प्राधिकृत अधिकारी

0/c झांसी विकास प्राधिकरण, झांसी



झांसी विकास प्राधिकरण, झांसी

कारण बताओ नोटिस

सेवा में

श्रीमती गीता देवी कुशवाहा
पत्नी श्री अरविन्द कुमार कुशवाहा
निवासी- बाहर दतिया गेट,
झांसी (उ०प्र०)

संख्या 33 / जे.डी.ए./अवैध निर्माण/2015-16

दिनांक 20 जुलाई 2015

विषय : उ.प्र. नगर नियोजन विकास अधिनियम 1973 की धारा-27 के अधीन नोटिस।

आपने ग्राम पिछोर के गाटा सं०- 836, 838, 839, झांसी (उ०प्र०)। में स्थित निम्नलिखित विकास कार्य शुरू किया है/कर रहे है/पूरा किया है।

मौजा पिछोर के गाटा सं०- 836, 838, 839 कुल 18 किता रकवा 4.010 हेक्टर भूमि पर बिना ले आउट प्लान स्वीकृत कराये अवैध रूप से भू-खण्डों के रूप में विभाजित कर विक्रय किया जा रहा है। स्थल पर भूमि का भूखण्डों के रूप में विभाजित कर विक्रय करने की कोई अनुमति/स्वीकृति नहीं दिखाई गई।

यह उत्तर प्रदेश नगर नियोजन तथा विकास अधिनियम, 1973 की धारा-14 के अधीन इस प्राधिकरण की अनुज्ञा अनुमोदन या संस्वीकृति बिना, महा प्रयोजन/क्षेत्रीय विकास प्रयोजन का उल्लंघन है और उन शर्तों का जिनके अधीन यह अनुज्ञा अनुमोदन या संस्वीकृति दी गई थी, का उल्लंघन है।

दिनांक 05-07-2015 को 10.00 बजे प्रातः आकर कारण बताये कि क्यों न उपर्युक्त अनाधिकृत विकास को गिराने/ समाप्त करने के आदेश जारी किए जायें।

सचिव/प्राधिकृत अधिकारी

8/2 झांसी विकास प्राधिकरण, झांसी

नोट :- (1) आपका ध्यान उक्त अधिनियम की धारा-26 की ओर दिलाया जाता है जिसके अधीन आप जुर्माने के दण्ड के पात्र हैं (प्राधिकरण की अनुज्ञा के बिना निर्माण करने के लिए जैसा कि उक्त अधिनियम की धारा-14 के अधीन आवश्यक है।) जो रू० 50,000/- (पचास हजार) तक बढ़ सकता है और जुर्म के जारी रहने पर आगे रू० 2500/- (पच्चीस सौ) प्रतिदिन, जिन दिनों में ऐसा जुर्म पहली जुर्म शुरू करने की सजा के बाद चालू रहजा है, के हिसाब से बढ़ सकता है या दोनों के भागीदार होंगे।

(2) आपका ध्यान उक्त अधिनियम की धारा-26(3) की ओर दिलाया जाता है जिसके अधीन यदि आप ऐसे व्यक्ति का जो अधिनियम की धारा-25 के अधीन किसी भूमि या भवन के अन्दर प्रवेश पाने का प्राधिकृत है, रोकते हैं अथवा प्रवेश के बाद उसके साथ दुर्यवहार करते हैं तो आप छह महीने तक कैद की सजा या जुर्माना जो एक हजार रू. तक बढ़ सकता है या दोनों के भागीदार होंगे।

उपर्युक्त नोटिस की दो प्रतियां सन्तोष कुमार पत्रवाहक को इस आशय से वह सम्बन्धित व्यक्ति को नोटिस की तामीली कराये तथा न होने की दशा में नियमानुसार चस्पा की कार्यवाही करें।

सचिव/प्राधिकृत अधिकारी

झांसी विकास प्राधिकरण, झांसी

1837

आवेदन पर कार्यवाही भरे

सुनने वाले/जांच अधिकारी का नाम एवं पद के साथ मोबाईल नम्बर	
नाम एवं पता जिसे सुना गया	
स्थान जहां सुना गया	
सुनवाई का दिनांक	

अधिकारी की जांच आख्या

सहोदय,
 शिकायतकर्ता द्वारा दर्शाये गये खसरा नम्बरों पर हरित पट्टी में आरम्भ श्रम पर संयोजन के लिए काँची निगल प्रधिकरण काँची को फाक 3078 दि 17.08.15 द्वारा मार्ग दर्शन हेतु लिखा गया है (छाया प्रति संलग्न) यदि काँची निगल प्रधिकरण द्वारा संयोजन के को अनुमति नहीं दी जाती है तो शकिय में संयोजन नहीं दिये जायेंगे।

आध्यक्ष

Unauthorised Colony

List of Unauthorized Colonies (According to 1979-2001 Master Plan)						
SI No. 00	village name	Land Use (1979-2001)	Total area (in hectares)	adverse land use	Area of adverse land use (in hectare)_	Other Details Colony Name
1	sharp	agriculture green belt	836.64	Residential (Semi-Finished)	7.68	
2	Nayagaon	warehouse	14.08	Residential (Semi-Finished)	2.56	Mahendrapuri
3	whirlwind	regional center	15.90	Residential (Semi-Finished)	4.04	Brahmanagar
4	whirlwind	regional center	91.40	Residential (Semi-Finished)	14.33	Boudhannagar, Kalsi Garden, Indraprasthanagar
5	whirlwind	Marg (25 m)		Residential (Semi-Finished)	0.77	
6	whirlwind	Mountain		Residential (Semi-Finished)	3.20	
7	Rudrapanch Palace	regional center	3.16	Residential (Semi-Finished)	3.16	
8	Rudrapanch Palace	regional center	14.56	Residential (Semi-Finished)	5.72	Deendayal Nagar
9	Rudrapanch Palace	hospital	4.92	Residential (Semi-Finished)	2.44	Pushpbihar Colony
10	Gadhiya	45 m. bypass		Residential (Semi-Finished)	3.80	Iqbal Nagar
11	Gadhiya	agriculture green belt	1050.48	Residential (Semi-Finished)	21.32	Ambedkar Colony, Krishna Nagar (Khera) Azad Nagar
12	Hansari Gird	agriculture green belt	688.05	Residential (Semi-Finished)	3.84	
13	Bijauli	small industry	3.24	Residential (Semi-Finished)	3.20	Rajgarh
14	Bijauli	agriculture green belt	857.51	Residential (Semi-Finished)	3.84	

15	Jhansi Civil	Education	15.76	Residential (Semi-Finished)	9.04	
16	Jhansi Civil	playground / open space	6.56	Residential (Semi-Finished)	2.56	Chandra Vihar Colony
17	Jhansi Khas	main business center	29.55	Residential (Semi-Finished)	4.48	Thapak Bagh Pathoria
18	Jhansi Khas	Religious	15.28	Residential (Semi-Finished)	3.07	Indrapuri
19	Jhansi Khas	playground / open space	5.20	Residential (Semi-Finished)	5.20	
20	Jhansi Khas	agriculture green belt	427.00	Residential (Semi-Finished)	10.24	Anjani Nagar, Annapurna Nagar, Verma Colony, Nagariya Kuan
21	Dadiyapura	city park	128.52	Residential (Semi-Finished)	9.04	Shiv Colony
22	Dadiyapura	Transport Nagar	6.14	Residential (Semi-Finished)	1.68	Shivaji Nagar
23	Talpura	Transport Nagar	23.60	Residential (Semi-Finished)	20.18	Shivaji Nagar
24	Talpura	city park	13.76	Residential (Semi-Finished)	2.05	Shivaji Nagar
25	Pichor	regional center	8.20	Residential (Semi-Finished)	4.64	Mayur Vihar
26	Pichor	university	89.97	Residential (Semi-Finished)	12.08	Missing
27	Pichor	city park	41.92	Residential (Semi-Finished)	1.31	Maharana Pratap Nagar
28	Karguwaan	university	20.36	Residential (Semi-Finished)	1.72	Kaimasan Nagar
29	Karguwaan	agriculture green belt	212.54	Residential (Semi-Finished)	3.70	
30	Bhagwantpura	agriculture green belt	616.63	Residential (Semi-Finished)	8.24	
31	Khailar	regional center	19.60	Residential (Semi-Finished)	1.60	
32	Khailar	agriculture green belt	1483.24	Residential (Semi-Finished)	3.20	Shakti Nagar
33	Simrawari	small industry	11.52	Residential (Semi-Finished)	6.63	Tilak Nagar
34	Simrawari	agriculture green belt	583.13	Residential (Semi-Finished)	7.30	Kamla Nagar, Ambedkar Nagar

माननीय राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली में योजित (याचिका) ओ.ए. 918/2022, एवं नगर पार्क की भूमि से संबंधित मांगी गई निम्नलिखित सूचना प्रमाणित प्रति में उपलब्ध कराएं।

Annexure AA-3

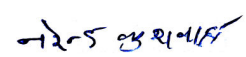
- जेडीए द्वारा माननीय न्यायाधिकरण के समक्ष उपरोक्त ओ.ए. 918/2022 में प्रेषित आख्या दिनांक 06.08.2024 के अनुसार माननीय उच्च न्यायालय इलाहाबाद के समक्ष 633 याचिका प्रस्तुत की गयी, इन सभी याचिकाओं की केस स्थिति व केस संख्या व केस निर्णय तिथि और केस निर्णय/आदेश की प्रति उपलब्ध कराएं।
- जेडीए द्वारा माननीय न्यायाधिकरण के समक्ष प्रेषित आख्या दिनांक 06.08.2024 के अनुसार माननीय उच्च न्यायालय इलाहाबाद के समक्ष 633 याचिका प्रस्तुत की गयी, जिसमें से लंबित सभी याचिकाओं की सुनवाई और निर्णय/आदेश हेतु निर्धारित नीयत तिथि की जानकारी उपलब्ध कराएं।
- जेडीए द्वारा माननीय न्यायाधिकरण के समक्ष प्रेषित आख्या दिनांक 06.08.2024 के अनुसार माननीय उच्च न्यायालय इलाहाबाद के समक्ष प्रस्तुत 633 याचिकाओं में शामिल याचिका संख्या WRIC/8051/2022, WRIC/3154/2023, WRIC/11931/2023, WRIC/15141/2023, WRIC/17402/2023, WRIC/21304/2023, WRIC/24931/2023, WRIC/25208/2023, WRIC/25240/2023, WRIC/28365/2023, WRIC/18440/2023, WRIC/22482/2023, WRIC/2665/2024, WRIC/7514/2024, WRIC/10463/2024 की केस स्थिति एवं केस निर्णय तिथि की जानकारी उपलब्ध कराएं।
- जेडीए द्वारा माननीय न्यायाधिकरण के समक्ष प्रेषित आख्या दिनांक 06.08.2024 के अनुसार माननीय आयुक्त न्यायालय में लंबित सभी अपीलों की केस स्थिति व केस संख्या व केस निर्णय तिथि और केस निर्णय/आदेश की प्रति उपलब्ध कराएं।
- प्रश्नगत ओ.ए. 918/2022 में उल्लेख पार्कों की भूमि को आवासीय दर्शाकर प्लॉट/भू-खण्ड बेचने और अवैध कॉलोनी विकसित करने वाले विकासकर्ताओं के विरुद्ध जेडीए द्वारा की गयी संपूर्ण कार्यवाही की प्रति उपलब्ध कराएं।
- प्रश्नगत ओ.ए. 918/2022 में उल्लेख नगर पार्क की भूमि को आवासीय दर्शाकर प्लॉट/भू-खण्ड बेचने वाले प्रतिवादीगण के विरुद्ध जेडीए द्वारा वर्ष 2015 में जारी नोटिस संख्या 33 व 34 व 35 की केस स्थिति व केस निर्णय तिथि व सुनवाई एवं निर्णय/आदेश हेतु निर्धारित नीयत तिथि की जानकारी और केस निर्णय/आदेश की प्रति उपलब्ध कराएं।
- प्रश्नगत ओ.ए. 918/2022 में उल्लेख पार्कों की भूमि पर किये गये अवैध निर्माणों से संबंधित माननीय आयुक्त न्यायालय में लंबित सभी अपीलों की केस स्थिति व केस संख्या व केस निर्णय तिथि और केस निर्णय/आदेश की प्रति उपलब्ध कराएं।
- प्रश्नगत ओ.ए. 918/2022 में उल्लेख पार्कों की भूमि पर किये गये अवैध निर्माणों एवं अवैध कॉलोनियों में संबंधित विभागों द्वारा सड़क, नाली, बिजली, पानी आदि के विकास कार्य कराने और दिये जा रहे बिजली, पानी के कनेक्शन को रोकने एवं हटाने के संबंध में जेडीए द्वारा की गयी संपूर्ण कार्यवाही की प्रति उपलब्ध कराएं।
- विद्युत विभाग द्वारा जेडीए को भेजा गया पत्रांक संख्या 3078 दिनांक 17.08.2025 के संबंध में की गयी संपूर्ण कार्यवाही की प्रति उपलब्ध कराएं।
- लक्ष्मी ताल के निकट नगर पार्क हेतु प्रस्तावित शासकीय भूमि के सभी खसरा नंबरों की जानकारी एवं उक्त खसरा नंबरों पर किये गये अतिक्रमण व अवैध निर्माणों की के संबंध में की गयी संपूर्ण कार्यवाही की प्रति उपलब्ध कराएं।
- जेडीए की अनाधिकृत कॉलोनियों की सूची (1979-2001 महायोजना के अनुसार) लक्ष्मी ताल के निकट नगर पार्क हेतु मौजा पिछोर, डड़ियापुरा और तालपुरा में प्रस्तावित भूमि का कुल क्षेत्रफल एवं प्रतिकूल भू-उपयोग निर्मित क्षेत्रफल की जानकारी उपलब्ध कराएं।

मांगी गई सूचना से संबंधित प्रपत्र संलग्न है

- बिन्दु संख्या 3 में उल्लेख 15 याचिकाओं में पारित अंतिम आदेश
- बिन्दु संख्या 6 में उल्लेख जेडीए द्वारा वर्ष 2015 में जारी नोटिस संख्या 33 व 34 व 35
- बिन्दु संख्या 9 में उल्लेख विद्युत विभाग द्वारा जेडीए को भेजा गया पत्रांक संख्या 3078 दिनांक 17.08.2025 की आख्या
- बिन्दु संख्या 11 में उल्लेख अनाधिकृत कॉलोनियों की सूची

दिनांक 21.10.2024

आवेदनकर्ता


(नरेन्द्र कुशवाहा)

Court No. - 40

Case :- WRIT - C No. - 2665 of 2024

Petitioner :- Smt Nandita Tiwari

Respondent :- State Of Up And 4 Others

Counsel for Petitioner :- Lavlesh Kumar Sharma, Kamini Pandey (Dubey)

Counsel for Respondent :- C.S.C., Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State.

Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1)Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2)If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitle to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to

interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records.

Order Date :- 5.2.2024

Ashok Kr.

Court No. - 29**Case :-** WRIT - C No. - 7514 of 2024**Petitioner :-** Smt Babita Sahu And 5 Others**Respondent :-** State Of Up And 4 Others**Counsel for Petitioner :-** Kamini Pandey (Dubey), Lavlesh Kumar Sharma**Counsel for Respondent :-** C.S.C., Prabhat Tripathi**Hon'ble Vivek Kumar Birla, J.****Hon'ble Donadi Ramesh, J.**

1. Heard Sri Lavlesh Kumar Sharma, learned counsel for the petitioners and Sri Prabhat Tripathi, learned counsel for the respondent-Development Authority.

2. Present writ petition has been filed for following reliefs:

"(i) Issue a writ order or direction in the nature of mandamus commanding/directing to the respondent No. 1 to take the effective action upon the notices dated 12.04.2023 and 26.06.2023 given to the respondent no.3 and reminder dated 03.01.2024 sent to the respondent no.1 under Section 54 of U.P. Urban Planning and Development Act, 1973.

(ii) Issue a writ order or direction in the nature of mandamus commanding the respondent no.2 not to take any coercive action against the petitioners in pursuance of the master plan 2021, effective from the 2005 in respect of the disputed Arazis as it was not acquired by the respondent Authority within 10 years from the date of notification.

(iii) Issue a writ order or direction in the nature of certiorari quashing the show cause notices dated 20.02.2023 and 22.02.2023 issued by the respondent no.3/Secretary Jhansi Development Authority Jhansi."

3. Identical controversy raised in the present petition was the subject matter of consideration before this Court in Writ-C No. 2665 of 2024, which has been decided by following orders passed on 5th of February, 2024.

4. Since the issues are identical, this petition is also disposed of in terms of the aforesaid order dated 5.2.2024.

Order Date :- 7.3.2024

Noman

Court No. - 40

Case :- WRIT - C No. - 10463 of 2024

Petitioner :- Vivek Sen And 12 Others

Respondent :- State Of Up And 4 Others

Counsel for Petitioner :- G.S. Chauhan

Counsel for Respondent :- C.S.C.,Nagesh Kumar

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri G.S. Chauhan, learned counsel for the petitioners, Sri Devesh Vikram, learned A.C.S.C. for the State respondents and Sri Nagesh Kumar, learned counsel for the respondent Nos.2 and 3.

2. The present writ petition has been preferred praying for the following relief:

"(A) Issue a writ order or direction in the nature of mandamus commanding/directing to the respondent No.1 to take the effective action upon 27.3.2023 and the notices 25.3.2023, 28.03.2023 given to the respondent nos. 2 and 3 under section 54 of U.P. Urban Planning and Development Act 1973,

(B) Issue a writ order or direction in the nature of mandamus direct the respondent no. 2 not to any coercive action against the petitioners, in pursuance of the master plan 2021 effective from 2005 in respect of land in question,

(C) Issue a writ order or direction in the nature of certiorari quashing the show-cause notices dated 8.4.2022, 24.2.2023, 25.2.2023 22.2.2023, and 23.2.2023 issued by the respondent no.3/Secretary Jhansi Development Authority Jhansi."

3. It is pointed out that similar controversy, as is raised in this petition, has been adjudicated by the Division Bench in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been

got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Park despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1)Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2)If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitle to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with

the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. Learned counsel for the contesting respondent has also apprised that similar indulgence has also been extended by the coordinate bench vide order dated 20.02.2024 in Writ-C No.2318 of 2024 (Shyamlal and 18 others vs. State of U.P. and 2 others). He submits that he has no objection in case the present writ petition stands disposed of in the light of the order passed in Smt. Nandita Tiwari's case (supra).

4. Accordingly, the present petition also stands **disposed of** in terms of order of Smt. Nandita Tiwari's case (supra).

Order Date :- 8.4.2024

NLY

Chief Justice's Court

Case :- WRIT - C No. - 22484 of 2023

Petitioner :- M/S R.K. Construction Indra Colony

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Neeraj Srivastava

Counsel for Respondent :- CSC,Manoj Kumar Mishra,Uttar
Kumar Goswami

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Ashutosh Srivastava,J.

1. According to the petitioner, certain admitted amount for carrying out the construction work has not been paid to him and, therefore, appropriate direction be issued.
2. Learned counsel appearing for Respondent No.4 submits that there is no amount which is admitted by respondent no.4 and he has filed the counter affidavit to this effect.
3. As disputed questions of facts are involved in the present case which require appropriate adjudication by the competent court and, therefore, no relief as prayed for, can be granted.
4. The writ petition is accordingly disposed of, leaving it open for the petitioner to avail the alternative remedy available to him under the law.

Order Date :- 18.9.2023

rkg/pks

(Ashutosh Srivastava, J.) (Pritinker Diwaker, CJ.)

Court No. - 46

Case :- WRIT - C No. - 18440 of 2023

Petitioner :- Smt Poonam Srivastava And 45 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Virendra Singh Patel

Counsel for Respondent :- C.S.C.,Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

Following prayers are made in the writ petition:-

"(i) Issue a writ, order or direction in the nature of Mandamus directing the respondent authority to not implement and act upon their master plan of the year 2021 effective from 2005 in respect of Arazi No. 1084, 1099 situated in the Mauza Dadiyapura, Jhansi, Arazi No. 229, 233, 236, 265 situated in the Mauza Talpura, Jhansi & Arazi No. 931 situated in the Pichor, Jhansi.

(ii) Issue a writ, order or direction in the nature of Mandamus commanding and directing to the respondent No. 2 to consider and decide the representation of the petitioners by invoking their powers available under Section 13 of the U.P. Urban Planning & Development Act, 1973 to amending the Master Plan keeping in view of the present use of land."

By way of amendment, following additional prayers are introduced which are as under:-

"(i) Issue a writ, order or direction in the nature of Certiorari quashing the Show Cause Notices issued by the respondent Nos. 2 & 3, in pursuance to the Master Plan, 2021.

(ii) Issue a writ, order or direction in the nature of Mandamus commanding and directing to the respondents not to interfere in the peaceful living and working of the petitioners."

There are 46 petitioners in the present writ, who are all aggrieved by show cause notices issued by the Development Authority calling upon them to demolish their unauthorized constructions. These notices are challenged on various grounds.

Admittedly none of the petitioners have any sanctioned plan obtained from the Development Authority and it is otherwise not disputed that the plots owned by all the petitioners situate within the development area of the Jhansi Development Authority. In

view of specific statutory mandate contained in Sections 14 and 15 of the Act of 1973, it would not be possible for any occupant of plot to raise constructions without obtaining prior permission of the Development Authority, in accordance with the Act of 1973. For any other objections, which may be available to the petitioners, it is always open for them to file an objection to the notice itself, which shall be dealt with, in accordance with law.

We may otherwise clarify that without there being any challenge to the master plan, it would not be open for this Court to entertain a prayer to restrain the respondents from implementing the master plan. Prayer in that regard is, therefore, declined.

Leaving it open to the petitioners to pursue their remedy before the competent forum, in accordance with the Act of 1973, this petition is cosigned to records.

Order Date :- 17.7.2023

RA

Court No. - 40

Case :- WRIT - C No. - 28365 of 2023

Petitioner :- Krishna Gopal Prajapati And 3 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Kamini Pandey (Dubey), Lavlesh Kumar Sharma

Counsel for Respondent :- Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitle to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 25240 of 2023

Petitioner :- Har Singh @ Hari Singh Kushwaha

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Harish Chandra Mishra, Narendra Mohan

Counsel for Respondent :- C.S.C.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitled to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

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such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 25208 of 2023

Petitioner :- Arjun Singh Yadav And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Ruchita Jain

Counsel for Respondent :- C.S.C.,Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitle to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 24931 of 2023

Petitioner :- Smt Shanti Devi And 9 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Niraj Tiwari,Rohit Tiwari

Counsel for Respondent :- Arjun Prasad Yadav

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitle to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 21304 of 2023

Petitioner :- Bhagirath Ahirwar

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Kamini Pandey (Dubey), Lavlesh Kumar Sharma

Counsel for Respondent :- C.S.C., Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitled to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 17402 of 2023

Petitioner :- Smt. Lally Yadav And 55 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Shashwat Kishore Chaturvedi

Counsel for Respondent :- C.S.C.,Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitle to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

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such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 15141 of 2023

Petitioner :- Nandkishor

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Kamini Pandey (Dubey), Lavlesh Kumar Sharma

Counsel for Respondent :- C.S.C., Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitle to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 11931 of 2023

Petitioner :- Uma Devi And 84 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Kamini Pandey (Dubey), Lavlesh Kumar Sharma

Counsel for Respondent :- C.S.C., Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitled to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 3154 of 2023

Petitioner :- Usha Devi And 177 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Kamini Pandey (Dubey), Lavlesh Kumar Sharma

Counsel for Respondent :- C.S.C., Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitled to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/

Court No. - 40

Case :- WRIT - C No. - 8051 of 2022

Petitioner :- Arjun Singh And 42 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Kamini Pandey (Dubey), Lavlesh Kumar Sharma

Counsel for Respondent :- Prabhat Tripathi

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the parties.

2. It is pointed out that similar controversy has been adjudicated by this Court in Writ-C No.2665 of 2024 (Smt. Nandita Tiwari vs. State of U.P. and others) vide following order passed on 05.02.2024:-

"This petition has been filed contending that a notice dated 18.05.2022 and its reminder dated 28.03.2022 has been sent to the State Government under Section 54 of the U.P. Urban Planning and Development Act, 1973 upon which no decision has been taken so far. The petition is in respect of part and parcel of land, which is shown as City Park in the master plan.

Petitioner contends that such land ought to have been acquired for it to be utilized as per plan but the land has not been acquired for such purposes. A notice has been served upon the State in terms of Section 54(2) of the Act of 1973, but as the State Government has not taken any decision under Section 54(2) of the Act of 1973 as such the inaction on part of the State to take a decision is arbitrary. The petitioner has also challenged a show cause notice issued to her on 25.02.2023. By this show cause notice the petitioner has been called upon to explain as to why her unauthorized construction of house be not demolished as no building plan has been got sanctioned.

In para 7 of the writ petition it is contended that petitioner intended to get her building plan sanctioned but despite all efforts made her building plan has not been sanctioned.

Learned counsel appearing for the respondent Development Authority points out that petitioner has not submitted any map for proposed constructions over the land in question.

The grievance raised in this petition essentially is in two parts. The first part of the grievance is that the State has failed to take a decision to release the land, which was proposed to be utilized for construction of City Part despite the notices sent to the State. Section 54 of the Act of 1973 reads as under:-

"54. Plans to stand modified in certain cases.

(1) Where any land situated in the development area is required by the Master Plan or a zonal Development Plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the Plan under Section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under Sub-section (4) of Section 13, the land is not compulsorily acquired the owner of land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(2) If the State Government fails to acquire such land within a period of six months from the date of the notice, the Master Plan or, as the case may be, the Zonal Development Plan shall have effect after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition."

It is the case of the petitioner that in the master plan the land in question was to be used as City Park. No acquisition proceedings were, however, undertaken by the State. It is then submitted that petitioner has moved an application referable to Section 54 of the Act on which no decision has been taken. Such application is contained as Annexure-11 to the writ petition and it has been signed by various persons. There is, however, nothing on record to show that this letter was actually sent to the State. Even if it is assumed that such application was sent and no decision was taken, then also the consequence would be such as is specified in sub-section (2) of Section 54 of the Act of 1973. The land, which are not compulsorily acquired for the user specified in the master plan, cannot be insisted upon to be used in the manner specified in the master plan. At best, the petitioner can then state that the land is not required to be compulsorily kept as City Park. This, however, would not mean that petitioner becomes entitled to raise construction of her house even without sanctioning of plan in terms of Section 14 & 15 of the Act of 1973. There is nothing on record to show that the petitioner ever applied for sanctioning of building plan. It is also not the petitioner's case that the building plan is not being considered as the authority is of the view that the user of land as per the master plan is City Park.

In the facts of the case, we are of the view that merely because petitioner claimed to have sent a letter to the State Government under Section 54(2) of the Act, it would not mean that petitioner becomes entitled to raise construction of house without getting her plan sanctioned. In such view of the matter, we find no occasion to interfere with the show cause notice issued to her, whereby the petitioner has been called upon to explain as to why order of demolition be not passed in respect of the constructions raised. We, therefore, refuse to interfere in the writ petition filed against the show cause notice dated 25.02.2023.

It is, however, provided that the petitioner shall be at liberty to submit her reply to the show cause notice issued to her and also apply for regularization of her building plan, if constructions raised are in accordance with the building bye-laws. In the event such a representation/objection is made within ten days from today, the authority concerned shall accord consideration to

such reply before proceeding any further.

Subject to the above observations made, this writ petition is consigned to records."

3. For the reasons recorded in the order dated 05.02.2024 and the controversy being identical, this writ petition is also disposed of on same terms.

Order Date :- 28.2.2024

Pkb/



झांसी विकास प्राधिकरण, झांसी

कारण बताओ नोटिस

सेवा में

1. श्री के०आर० टोकसे पुत्र श्री राधाकिशन टोकसे
निवासी-होटल हाईवे के पीछे, सीपरी बाजार, झांसी।
2. श्री भगवानदास पुत्र श्री सुनके निवासी -ग्राम पिछोर झांसी।

संख्या 34 / जे.डी.ए./अवैध निर्माण/2015-16

दिनांक 20 जुलाई 2015

विषय : उ.प्र. नगर नियोजन विकास अधिनियम 1973 की धारा-27 के अधीन नोटिस।

आपने ग्राम पिछोर के गाटा सं०- 826 से 843 तक झांसी (उ०प्र०)। में स्थित निम्नलिखित विकास कार्य शुरु किया है/कर रहे है/पूरा किया है।

मौजा पिछोर के गाटा सं०- 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, कुल 18 किता रकवा 4.010 हेक्टेयर भूमि पर बिना लेआउट प्लान स्वीकृत कराये अवैध रूप से भू-खण्डों के रूप में विभाजित कर विक्रय किया जा रहा है। स्थल पर भूमि का भू-खण्डों के रूप में विभाजित कर विक्रय करने को कोई अनुमति/स्वीकृति नहीं दिखाई गई।

यह उत्तर प्रदेश नगर नियोजन तथा विकास अधिनियम, 1973 की धारा-14 के अधीन इस प्राधिकरण की अनुज्ञा अनुमोदन या संस्वीकृति बिना, महा प्रयोजन/क्षेत्रीय विकास प्रयोजन का उल्लंघन है और उन शर्तों का जिनके अधीन यह अनुज्ञा अनुमोदन या संस्वीकृति दी गई थी, का उल्लंघन है।

दिनांक 05-8-2015 को 10.00 बजे प्रातः आकर कारण बताये कि क्यों न उपर्युक्त अनाधिकृत विकास को गिराने/ समाप्त करने के आदेश जारी किए जायें।

सचिव/प्राधिकृत अधिकारी
झांसी विकास प्राधिकरण, झांसी

नोट :- (1) आपका ध्यान उक्त अधिनियम की धारा-26 की ओर दिलाया जाता है जिसके अधीन आप जुर्माने के दण्ड के पात्र हैं (प्राधिकरण की अनुज्ञा के बिना निर्माण करने के लिए जैसा कि उक्त अधिनियम की धारा-14 के अधीन आवश्यक है।) जो रु० 50,000/- (पचास हजार) तक बढ़ सकता है और जुर्म के जारी रहने पर आगे रु० 2500/- (पच्चीस सौ) प्रतिदिन, जिन दिनों में ऐसा जुर्म पहली जुर्म शुरु करने की सजा के बाद चालू रहजा है, के हिसाब से बढ़ सकता है या दोनों के भागीदार होंगे।

(2) आपका ध्यान उक्त अधिनियम की धारा-26(3) की ओर दिलाया जाता है जिसके अधीन यदि आप ऐसे व्यक्ति का जो अधिनियम की धारा-25 के अधीन किसी भूमि या भवन के अन्दर प्रवेश पाने का प्राधिकृत है, रोकते हैं अथवा प्रवेश के बाद उसके साथ दुर्व्यवहार करते हैं तो आप छह महीने तक कैद की सजा या जुर्माना जो एक हजार रु. तक बढ़ सकता है या दोनों के भागीदार होंगे।

उपरोक्त नोटिस की दो प्रतियां सन्तोष कुमार पत्रवाहक को इस आशय से वह सम्बन्धित व्यक्ति को नोटिस की तामीली कराये तथा न होने की दशा में नियमानुसार चर्या की कार्यवाही करें।

सचिव/प्राधिकृत अधिकारी

झांसी विकास प्राधिकरण, झांसी



झांसी विकास प्राधिकरण, झांसी

कारण बताओ नोटिस

सेवा में

श्रीमती गीता देवी कुशवाहा
पत्नी श्री अरविन्द कुमार कुशवाहा
निवासी— बाहर दतिया गेट,
झांसी (उ०प्र०)

संख्या 33 / जे.डी.ए./अवैध निर्माण/2015-16

दिनांक 20 जुलाई 2015

विषय : उ.प्र. नगर नियोजन विकास अधिनियम 1973 की धारा-27 के अधीन नोटिस।

आपने ग्राम पिछोर के गाटा सं०- 836, 836, 839, झांसी (उ०प्र०)। में स्थित निम्नलिखित विकास कार्य शुरु किया है/कर रहे है/पूरा किया है।

मौजा पिछोर के गाटा सं०- 836, 836, 839 कुल 18 किता रकवा 4.010 हेक्टर भूमि पर बिना ले आउट प्लान स्वीकृत कराये अवैध रूप से भू-खण्डों के रूप में विभाजित कर विक्रय किया जा रहा है। स्थल पर भूमि का भूखण्डों के रूप में विभाजित कर विक्रय करने की कोई अनुमति/स्वीकृति नहीं दिखाई गई।

यह उत्तर प्रदेश नगर नियोजन तथा विकास अधिनियम, 1973 की धारा-14 के अधीन इस प्राधिकरण की अनुज्ञा अनुमोदन या संस्वीकृति बिना, महा प्रयोजन/क्षेत्रीय विकास प्रयोजन का उल्लंघन है और उन शर्तों का जिनके अधीन यह अनुज्ञा अनुमोदन या संस्वीकृति दी गई थी, का उल्लंघन है।

दिनांक 05.07.2015 को 10.00 बजे प्रातः आकर कारण बताये कि क्यों न उपर्युक्त अनाधिकृत विकास को गिराने/ समाप्त करने के आदेश जारी किए जाये।

सचिव/प्राधिकृत अधिकारी

0/ झांसी विकास प्राधिकरण, झांसी

नोट :- (1) आपका ध्यान उक्त अधिनियम की धारा-26 की ओर दिलाया जाता है जिसके अधीन आप जुर्माने के दण्ड के पात्र हैं (प्राधिकरण की अनुज्ञा के बिना निर्माण करने के लिए जैसा कि उक्त अधिनियम की धारा-14 के अधीन आवश्यक है।) जो रू० 50,000/- (पचास हजार) तक बढ़ सकता है और जुर्म के जारी रहने पर आगे रू० 2500/- (पच्चीस सौ) प्रतिदिन, जिन दिनों में ऐसा जुर्म पहली जुर्म शुरु करने की सजा के बाद चालू रहजा है, के हिसाब से बढ़ सकता है या दोनों के भागीदार होंगे।

(2) आपका ध्यान उक्त अधिनियम की धारा-26(3) की ओर दिलाया जाता है जिसके अधीन यदि आप ऐसे व्यक्ति का जो अधिनियम की धारा-25 के अधीन किसी भूमि या भवन के अन्दर प्रवेश पाने का प्राधिकृत है, रोकते हैं अथवा प्रवेश के बाद उसके साथ दुर्व्यवहार करते हैं तो आप छह महीने तक कैद की सजा या जुर्मना जो एक हजार रू. तक बढ़ सकता है या दोनों के भागीदार होंगे।

उपरोक्त नोटिस की दो प्रतियां सन्तोष कुमार पत्रवाहक को इस आशय से वह सम्बन्धित व्यक्ति को नोटिस की तामीली कराये तथा न होने की दशा में नियमानुसार चस्पा की कार्यवाही करें।

सचिव/प्राधिकृत अधिकारी

झांसी विकास प्राधिकरण, झांसी

कारण बताओ नोटिस

सेवा में

1. श्री धमेन्द्र कुमार व श्री धीरेन्द्र कुमार पुत्र श्री राम नाथ निवासी-उजयान मोट झांसी।
2. श्री हरीदास व श्री भगवान दास नि०- ग्राम पिछोर झांसी।
3. श्रीमती लीला पत्नी श्री कन्हैया लाल नि०- होटल हाईवे के पीछे सीपरी बाजार झांसी।
4. श्री के०आर० टोकसे पुत्र श्री राधा किशन टोकसे नि०- होटल हाईवे के पीछे सीपरी बाजार झांसी।
5. श्रीमती यासीन पुत्र श्री वसीर नि०- 7481, शिवाजी नगर झांसी।
6. श्री अकरम पुत्र श्री यासीन नि०- 7481, शिवाजी नगर झांसी।
7. अब्दुल करीम उर्फ सूके पुत्र श्री हाजी खुराबख्श नि०-141 अन्दर उन्नाव गेट झांसी।

संख्या 35/जे.डी.ए./अवैध निर्माण/2015-16

दिनांक 20 जुलाई 2015


विषय : उ.प्र. नगर नियोजन विकास अधिनियम 1973 की धारा-27 के अधीन नोटिस।

आपने ग्राम पिछोर के गाटा सं०- 753, 754, 753 818, 819, 820, झांसी (उ०प्र०) में स्थित निम्नलिखित विकास कार्य शुरू किया है/कर रहे है/पूरा किया है।

ग्राम पिछोर के गाटा सं०- 753, 754, 753 818, 819, 820, कुल कित्ता 6 रकबा लगभग 1.882 हेक्टर भूमि पर बिना ले-आउट प्लान स्वीकृत करायें अवैध रूप से भू-खण्डों के रूप में विभाजित कर विक्रय किया जा रहा है। स्थल भूमि को भू-खण्डों के रूप में विभाजित कर विक्रय करने की कोई अनुमति/स्वीकृति नहीं दिखाई गई।

यह उत्तर प्रदेश नगर नियोजन तथा विकास अधिनियम, 1973 की धारा-14 के अधीन इस प्राधिकरण की अनुज्ञा अनुमोदन या संस्वीकृति बिना, महा प्रयोजन/क्षेत्रीय विकास प्रयोजन का उल्लंघन है और उन शर्तों का जिनके अधीन यह अनुज्ञा अनुमोदन या संस्वीकृति दी गई थी, का उल्लंघन है।

दिनांक 05.07.2015 को 10.00 बजे प्रातः आकर कारण बताये कि क्यों न उपर्युक्त अनाधिकृत विकास को गिराने/ समाप्त करने के आदेश जारी किए जायें।



 सचिव/प्राधिकृत अधिकारी

0/c झांसी विकास प्राधिकरण, झांसी

नोट :- (1) आपका ध्यान उक्त अधिनियम की धारा-26 की ओर दिलाया जाता है जिसके अधीन आप जुर्माने के दण्ड के पात्र हैं (प्राधिकरण की अनुज्ञा के बिना निर्माण करने के लिए जैसा कि उक्त अधिनियम की धारा-14 के अधीन आवश्यक है।) जो रू० 50,000/- (पचास हजार) तक बढ़ सकता है और जुर्म के जारी रहने पर आगे रू० 2500/- (पच्चीस सौ) प्रतिदिन, जिन दिनों में ऐसा जुर्म पहली जुर्म शुरू करने की सजा के बाद चालू रहजा है, के हिसाब से बढ़ सकता है या दोनों के भागीदार होंगे।

(2) आपका ध्यान उक्त अधिनियम की धारा-26(3) की ओर दिलाया जाता है जिसके अधीन यदि आप ऐसे व्यक्ति का जो अधिनियम की धारा-25 के अधीन किसी भूमि या भवन के अन्दर प्रवेश पाने का प्राधिकृत है, रोकते हैं अथवा प्रवेश के बाद उसके साथ दुर्व्यवहार करते हैं तो आप छह महीने तक कैद की सजा या जुर्माना जो एक हजार रू. तक बढ़ सकता है या दोनों के भागीदार होंगे।

उपर्युक्त नोटिस की दो प्रतियां सन्तोष कुमार पत्रवाहक को इस आशय से वह सम्बन्धित व्यक्ति को नोटिस की तामीली कराये तथा न होने की दशा में नियमानुसार चस्पा की कार्यवाही करें।


 सचिव/प्राधिकृत अधिकारी

झांसी विकास प्राधिकरण, झांसी

0/c

1837

816

आवदन पर कार्यवाही भरे

सुनने वाले/जांच अधिकारी का नाम एवं पद के साथ मोबाईल नम्बर	
नाम एवं पता जिसे सुना गया	
स्थान जहां सुना गया	
सुनवाई का दिनांक	

अधिकारी की जांच आख्या

जोधपुर,
 शिकायतकर्ता द्वारा दर्शाये गये खसरा नम्बरो पर
 हरित पट्टी में आरक्षित भूमि पर संयोजन के लिए
 कौंसी निकास अधिकरण कौंसी को फाक 3078 दि
 17.08.15 द्वारा मार्ग दर्शन हेतु लिखा गया है
 (छाया प्रति संलग्न) यदि कौंसी निकास अधिकरण द्वारा
 संयोजन देने की अनुमति नहीं दी जाती है तो शकिय
 में संयोजन नहीं दिये जायेंगे।

अधीक अधिकारी

Unauthorised Colony

List of Unauthorized Colonies (According to 1979-2001 Master Plan)						
SI No. 00	village name	Land Use (1979-2001)	Total area (in hectares)	adverse land use	Area of adverse land use (in hectare) _	Other Details Colony Name
1	sharp	agriculture green belt	836.64	Residential (Semi-Finished)	7.68	
2	Nayagaon	warehouse	14.08	Residential (Semi-Finished)	2.56	Mahendrapuri
3	whirlwind	regional center	15.90	Residential (Semi-Finished)	4.04	Brahmanagar
4	whirlwind	regional center	91.40	Residential (Semi-Finished)	14.33	Boudhannagar, Kalsi Garden, Indraprasthanagar
5	whirlwind	Marg (25 m)		Residential (Semi-Finished)	0.77	
6	whirlwind	Mountain		Residential (Semi-Finished)	3.20	
7	Rudrapanch Palace	regional center	3.16	Residential (Semi-Finished)	3.16	
8	Rudrapanch Palace	regional center	14.56	Residential (Semi-Finished)	5.72	Deendayal Nagar
9	Rudrapanch Palace	hospital	4.92	Residential (Semi-Finished)	2.44	Pushpbihar Colony
10	Gadhiya	45 m. bypass		Residential (Semi-Finished)	3.80	Iqbal Nagar
11	Gadhiya	agriculture green belt	1050.48	Residential (Semi-Finished)	21.32	Ambedkar Colony, Krishna Nagar (Khera) Azad Nagar
12	Hansari Gird	agriculture green belt	688.05	Residential (Semi-Finished)	3.84	
13	Bijauli	small industry	3.24	Residential (Semi-Finished)	3.20	Rajgarh
14	Bijauli	agriculture green belt	857.51	Residential (Semi-Finished)	3.84	

15	Jhansi Civil	Education	15.76	Residential (Semi-Finished)	9.04	
16	Jhansi Civil	playground / open space	6.56	Residential (Semi-Finished)	2.56	Chandra Vihar Colony
17	Jhansi Khas	main business center	29.55	Residential (Semi-Finished)	4.48	Thapak Bagh Pathoria
18	Jhansi Khas	Religious	15.28	Residential (Semi-Finished)	3.07	Indrapuri
19	Jhansi Khas	playground / open space	5.20	Residential (Semi-Finished)	5.20	
20	Jhansi Khas	agriculture green belt	427.00	Residential (Semi-Finished)	10.24	Anjani Nagar, Annapurna Nagar, Verma Colony, Nagariya Kuan
21	Dadiyapura	city park	128.52	Residential (Semi-Finished)	9.04	Shiv Colony
22	Dadiyapura	Transport Nagar	6.14	Residential (Semi-Finished)	1.68	Shivaji Nagar
23	Talpura	Transport Nagar	23.60	Residential (Semi-Finished)	20.18	Shivaji Nagar
24	Talpura	city park	13.76	Residential (Semi-Finished)	2.05	Shivaji Nagar
25	Pichor	regional center	8.20	Residential (Semi-Finished)	4.64	Mayur Vihar
26	Pichor	university	89.97	Residential (Semi-Finished)	12.08	Missing
27	Pichor	city park	41.92	Residential (Semi-Finished)	1.31	Maharana Pratap Nagar
28	Karguwaan	university	20.36	Residential (Semi-Finished)	1.72	Kaimasan Nagar
29	Karguwaan	agriculture green belt	212.54	Residential (Semi-Finished)	3.70	
30	Bhagwantpura	agriculture green belt	616.63	Residential (Semi-Finished)	8.24	
31	Khailar	regional center	19.60	Residential (Semi-Finished)	1.60	
32	Khailar	agriculture green belt	1483.24	Residential (Semi-Finished)	3.20	Shakti Nagar
33	Simrawari	small industry	11.52	Residential (Semi-Finished)	6.63	Tilak Nagar
34	Simrawari	agriculture green belt	583.13	Residential (Semi-Finished)	7.30	Kamla Nagar, Ambedkar Nagar