

ITEM NO.802

COURT NO.2

SECTION XI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 9433/2024

(Arising out of impugned final judgment and order dated 27-02-2024 in WRITC No. 11375/2024 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

VISHNU SWAROOP CHAURASIA Petitioner(s)

VERSUS

STATE OF U. P. & ORS. Respondent(s)

Date : 29-02-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. M. Shoeb Alam, Sr. Adv.  
Mr. Talha Abdul Rahman, AOR  
Ms. Rupali Samuel, Adv.  
Mr. M. Shazkhan, Adv.  
Mr. Kazeem Ibrahim, Adv.  
Mr. Arpit Khare, Adv.  
Mr. Adnan Yousuf, Adv.  
Mr. Sadiq Noor, Adv.  
Mr. Zaid, Adv.  
Mr. Adnan Bhat, Adv.  
Mr. Amrit Khare, Adv.

For Respondent(s) Mr. K. M. Natraj, ASG  
Mr. Sharan Dev Thakur, Adv.  
Mr. Ratnesh Chandra, Adv.  
Ms. Ruchira Goel, AOR  
Mr. Siddharth Thakur, Adv.  
Ms. Indira Bhkar, Adv.  
Mr./Ms. Sharanya Sinha, Adv.  
Mr. Adit Shah, Adv.  
Mr. Mukesh Kumar, Adv.  
Mr. Mustafa Sajad, Adv.

UPON hearing the counsel, the Court made the following  
O R D E R

The matter was mentioned in the morning, and directed to be listed at 02.00 p.m.

An advance copy of the present special leave petition was directed to be served on the nominated/standing counsel for the Lucknow Development Authority<sup>1</sup>.

Learned counsel for the petitioner has drawn our attention to the orders passed by the Single Judge of the High Court of Judicature at Allahabad in Writ Petition (C) No.11383 of 2023 dated 21.12.2023 and Writ Petition (C) No.11484 of 2023 dated 22.12.2023.

Mr K. M. Natrarj, learned Additional Solicitor General states that at present only 24 commercial or commercial-cum-residential establishments, as recorded in paragraph '2' of the impugned judgment dated 27.02.2024, are being subjected to demolition. It is stated that 23 commercial/residential establishments out of the 24 have already been demolished.

The case of the LDA is that the owners/persons in occupation and running of these establishments, do not belong to the Economically Weaker Section (EWS). It is stated that the LDA has, in terms of the policy, agreed to make available alternative accommodation to eligible persons, for which they have to complete formalities.

It is to be noted that it is not the case of the petitioner - Vishnu Swaroop Chaurasia that he is in occupation of the land owned by him. It is an accepted and admitted position that the land belongs to, and owned by the government/LDA. The constructions, therefore, will be unauthorized and illegal.

Keeping in view the aforesaid position, we direct that the petitioner - Vishnu Swaroop Chaurasia will be entitled to remove  
1 "LDA" for short

his belongings on or before midnight of 04.03.2024. Thereupon, the petitioner - Vishnu Swaroop Chaurasia will be also entitled to move an application in terms of the scheme noted/issued by the LDA for alternative accommodation.

On or after midnight of 04.03.2024, the LDA will be entitled to demolish the property. However, prior and post the demolition of the property, they shall take photographs and also make a list of the belongings, if any, which are found inside the property.

The petitioner - Vishnu Swaroop Chaurasia will be entitled to take away said belongings after signing the said list, prepared by the LDA.

This order will equally apply to 23 other cases, in case the said parties are already, and willing to abide by the this order and furnish the undertaking to the said effect to the LDA. The LDA will furnish a copy of this Order and give opportunity to said occupant to avail benefit/advantage of this order.

Recording the aforesaid, the special leave petition is disposed of.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)  
COURT MASTER (SH)

(R.S. NARAYANAN)  
ASSISTANT REGISTRAR