

**Court No. - 32**

**Case :- WRIT - C No. - 13722 of 2020**

**Petitioner :- Dr Tazeen Fatima**

**Respondent :- State Of U.P. And 2 Others**

**Counsel for Petitioner :- Syed Safdar Ali Kazmi**

**Counsel for Respondent :- C.S.C., Suneel  
Kumar Mishra**

**Hon'ble Shashi Kant Gupta, J.**

**Hon'ble Piyush Agrawal, J.**

This writ petition has been filed, *inter alia*, for the following reliefs:

***"(i) Issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 27.8.2020 ).***

***(ii) Issue a writ, order or direction in the nature of mandamus directing the respondent authorities not to demolish the property of the petitioner situated at village - Pasiyapura Sumali Tehsil Sadar District Rampur (Uttar Pradesh)."***

Heard the learned counsel for the petitioner, Mr. J. N. Maurya and Mr. Suneel Kumar Misra, learned counsel for the respondent no.3, Mr. Vineet Pandey, learned Chief Standing Counsel for the State respondent and Mr. Anand Prakash Pal , learned counsel for the Development Authority and perused the record.

At the very outset, learned counsel for the respondents submitted that against the

impugned order of demolition dated 27.8.2020 passed by the respondent no. 2, the petitioner has an alternative and efficacious statutory remedy by way of an appeal under Section 27(2) U.P. Urban Planning and Development Act for redressal of his grievance before the appellate authority but instead of availing the said alternative remedy, the petitioner has chosen to file the present writ petition, which is not maintainable before this court. Learned counsel for the petitioner has not been able to rebut the contention so made by the learned counsel for the electricity department.

Learned counsel for the petitioner states that the appeal would be filed within two weeks from today and the same may be directed to be decided within a stipulated period of time and during the pendency of the said appeal no coercive measures may be taken against the petitioner.

Admittedly, against the order of demolition the petitioner has an alternative statutory remedy of appeal under Section 27(2) of U.P. Urban Planning and Development Act before the appellate authority.

The petitioner may, if so advised, file an appeal against the impugned order of demolition under section 27(2) U.P. Urban Planning and Development Act before the appropriate authority within two weeks from today along with a certified copy of this order and if any such appeal is filed by the petitioner within the stipulated period, the concerned appellate authority shall decide the same on merits

expeditiously preferably within four weeks from the date of filing of the said appeal in accordance with law by a speaking and reasoned order after giving opportunity of personal hearing to the petitioner without reference to the period of limitation, if the appeal is filed within the time as indicated herein above.

For a period of six weeks or till the disposal of the appeal, whichever is earlier, no coercive measures shall be taken against the petitioner .

It is made clear that this Court has not expressed any opinion on the merits of the case. The petitioner, if prefers an appeal before the appellate authority within the stipulated period, the appellate authority shall consider the matter on its own merits.

It is also made clear that in case the petitioner does not file an appeal before the competent authority within the stipulated period, as indicated herein above, the benefit given to the petitioner under this order shall cease to operate.

With the above observations, the present writ petition stands finally disposed of.

**Order Date :- 8.9.2020**

MLK