

**Hon'ble Alok Singh, J.**

Mr. B.S. Adhikari, Advocate for the petitioner.

Mr. A.K. Joshi, Additional Chief Standing Counsel for the State/respondent nos. 1 & 2.

Mr. Rahul Consul, Advocate for respondent no. 3.

Respondent no. 3 was pleased to pass order dated 2.4.2014, while exercising power under Section 28-A of the UP Urban Planning and Development Act, 1973, sealing the property in question. Petitioner preferred Appeal No. 07 of 2014-15 before respondent no. 2 assailing the sealing order dated 2.4.2014. During the pendency of the appeal, respondent no. 3 has passed fresh sealing order, which is impugned in the present writ petition.

Since against the first sealing order, appeal is pending disposal, therefore, during the pendency of the appeal fresh sealing order seems to be in exercise of jurisdiction not vested with respondent no. 3. Therefore, impugned sealing order dated 27.1.2015 does not sustain in the eyes of law.

Present petition, thus, stands allowed. Sealing order dated 27.1.2015 is hereby quashed. However, learned Appellate Authority/respondent no. 2 is directed to decide Appeal No. 07 of 2014-15 at its own merit in

accordance with law, without being prejudiced by this order, within ninety days from the date copy of this order is communicated to him.

IA No. 553 of 2015 and CLMA No. 1387 of 2015 also stand disposed of accordingly.

**(Alok Singh, J.)**  
**Vacation Judge**  
30.1.2015

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