

Court No. - 1

Case :- WRIT - C No. - 31868 of 2019

Petitioner :- Dr. Om Prakash Agarwal

Respondent :- State Of U.P. And Another

Counsel for Petitioner :- Akhilesh Kumar

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

Hon'ble Ramesh Sinha,J.

Hon'ble Ajit Kumar,J.

Heard Sri Akhilesh Kumar, learned counsel for the petitioner, Sri Hemant Kumar, learned counsel for respondent no.2, learned Standing Counsel for the State respondents and perused the record.

By means of present writ petition the petitioner has sought a writ of mandamus directing respondents to consider the renewal of lease of the land in question for the purpose of parking of the vehicle of the petitioner's clinic.

Petitioner submits that his lease had existed till March, 2019, however application for renewal dated 25.4.2019 has not been considered.

Learned counsel for the respondent admits that the application of the petitioner is pending consideration.

Learned counsel for the petitioner submits that as per proviso to sub section (4) of Section 451 of the U.P. Municipal Corporations Act, 1956 wherein renewal of lease is to be considered, it is provided that the eviction order will not be passed during the pendency of application for renewal of lease. According to him statute itself takes care of such situation.

In such above view of the matter, the writ petition is disposed of with direction that petitioner's application for renewal of the lease of the land in question shall be considered by respondent no. 2 strictly in accordance with law within period of four weeks from the date of production of certified copy of this order.

Order Date :- 30.9.2019

Sanjeev

(Ajit Kumar,J.) (Ramesh Sinha,J.)