

Court No. - 9

Case :- WRIT - C No. - 11756 of 2023

Petitioner :- Amna Ansari And 2 Others

Respondent :- Chairman Lucknow Development Authority
Lko And 3 Others

Counsel for Petitioner :- Inam Uddin Ahmed, Abhinav
Singh, Harsh Vardhan Kediya

Counsel for Respondent :- Ratnesh Chandra

Hon'ble Rajan Roy, J.

Hon'ble Jaspreet Singh, J.

Heard Shri Abhinav Singh, learned counsel for the petitioners and Shri V.K. Shahi and Shri Ratnesh Chandra, learned counsel for the opposite parties.

This Bench has been constituted today under the orders of Hon'ble the Acting Chief Justice considering the urgency shown by the petitioner's counsel, as they apprehended demolition of their flats situated at F.I. Tower 37 Cantt. Road, Police Station - Kaiserbagh, Lucknow.

Petitioners of this writ petition had earlier filed WRIT-C No.11321 of 2023 seeking similar reliefs albeit inter alia in the nature of mandamus for not implementing the impugned order dated 23.11.2023 for demolition of their flats. The said writ petition was filed on 18.12.2023. It was registered on 19.11.2023 and listed before the Court on 21.12.2023. It was transferred to another Court but could not be taken up. It was ordered to be listed on 02.01.2024 in the backlog fresh cases. However, in the interregnum during vacation the opposite parties are proceeding to demolish the flats of the petitioners and pending matter cannot be taken up during vacation hence this petition in compelling and exceptional circumstances as valuable rights of the petitioners to shelter under Article 21 of the Constitution of India and to property under Article 300-A of the Constitution of India.

After arguing the matter at some length, learned counsel for the petitioners submitted that he will not press the earlier petition filed by the petitioner, however, with liberty to file an appeal and they be given the benefit of the order passed by this Court today in WRIT-C No.11755 of 2023 accordingly in this writ petition.

We accept the request of learned counsel for the petitioners.

WRIT-C No.11321 of 2023 shall accordingly be treated as dismissed as withdrawn and this writ petition is **disposed of** in terms of our earlier order of date passed in WRIT-C No.11755 of 2023 with liberty to the petitioners herein to file an appeal as referred in our order of date passed in WRIT-C No.11755 of 2023, meaning thereby the petitioners herein shall be entitled to the benefit of the directions/observations contained in the aforesaid order with corresponding obligation upon the opposite parties accordingly.

A copy of this order shall be kept on the records of WRIT-C No.11321 of 2023 which shall be consigned to records.

Sri V. K. Shahi, learned Additional Advocate General and Sri Ratnesh Chandra, learned counsel for the Lucknow Development Authority who are present shall immediately communicate this order, without waiting for its certified copy, to the Chairman and Vice-Chairman, Lucknow Development Authority, for strict compliance.

The In-charge Senior Registrar of the Court shall also communicate this order to the aforesaid authorities forthwith.

(Jaspreet Singh,J.) (Rajan Roy,J.)

Order Date :- 25.12.2023

Rakesh/-