

Ck Valley Hotel And Restaurant vs State Of U.P. And 4 Others on 31 January, 2025

Author: Manoj Kumar Gupta

Bench: Manoj Kumar Gupta

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14174-DB

Court No. - 21

Case :- WRIT - C No. - 42287 of 2024

Petitioner :- Ck Valley Hotel And Restaurant

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Bala Nath Mishra, Pradeep Kumar Shukla, Ram Vishal Mishra

Counsel for Respondent :- C.S.C., Dharmendra Singh Chauhan

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Anish Kumar Gupta, J.

1. The following prayers have been made in the instant petition: -

"1. Issue a writ, order or direction in the nature of certiorari quashing the illegal impugned orders dated 27.06.2024 and 29.06.2024 passed by respondent no. 4 (being Annexure No. 5 and 7 respectively to this writ petition).

2. Issue an appropriate writ, order or direction in the nature of mandamus directing upon the respondents to de-sealed the restaurant/Hotel of petitioner which illegally been sealed by them and accept the compounding map of construction for which petitioner already deposited amount of Rs. 5,00,000/-.

3. Issue an appropriate writ, order or direction in the nature of mandamus directing upon the respondent no. 2 that he decide the stay application in appeal and appeal no. C202412000001134 (Mohammad Chand vs. B.D.A.) preferred by petitioner within stipulated period)."

2. The impugned orders were passed against the petitioner under Sections 27(1) and 28-A of the U.P. Urban Planning and Development Act, 1973.

3. Sri D.S. Chauhan, learned counsel for the respondent-Development Authority, points out that in fact the instant petition is second petition for the same reliefs. He has invited our attention towards an order dated 16.7.2024 passed in Writ - C No. 22519 of 2024, whereby the petitioner-firm challenged the same orders by filing a writ petition in the name of its proprietor Mohd. Chand. The said writ petition was disposed of by this Court by providing that the stay application would be decided by the appellate authority in the appeal filed by the petitioner challenging the impugned orders within a specified time and till the disposal of the stay application, the parties were directed to maintain status quo. He submits that the appeal is still pending and as such, the instant petition by which relief has been claimed by the petitioner for quashing of the same orders, is in fact, a second petition and in para 1 of the writ petition, it has been wrongly mentioned that it is first writ petition on behalf of the petitioner.

4. Sri B.N. Mishra, learned counsel for the petitioner, submits at this stage that the petitioner will not repeat the same mistake and his action may be condoned and he prays for dismissal of the instant petition as not pressed.

5. Accordingly, the petition is dismissed as not pressed.

(Anish Kumar Gupta, J.) (Manoj Kumar Gupta, J.) Order Date :- 31.1.2025 Jaideep/-