

Manoj Thareja vs State Of U.P. And 6 Others on 1 May, 2025

Bench: Anjani Kumar Mishra, Jayant Banerji

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:68850-DB

Court No. - 3

Case :- WRIT - C No. - 13446 of 2025

Petitioner :- Manoj Thareja

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Vipul Pandey

Counsel for Respondent :- C.S.C.,Shyam Mani Shukla

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Jayant Banerji,J.

1. Counsel for the petitioner prays for and is granted permission to implead the necessary party in the writ petition during the course of the day.
2. Heard counsel for the petitioner and Shri Shyam Mani Shukla, who appears for the respondents.
3. This writ petition seeks the following relief:

"a. Issue a writ order or direction in the nature of Mandamus commanding respondent no. 5 to decide the representation dated 21.04.2025 in accordance with law;

b. Issue a further writ order or direction in the nature of Mandamus commanding respondents not to demolish petitioner's construction upon land situated at gata no. 1035, area 0.17 hectare out of total area of 0.34 hectare in Bhogpur, Mithauni @ Siri, Moradabad till the disposal of representation dated 21.04.2025;"

4. It appears that proceedings under the Public Premises (Eviction of Unauthorized Occupants) Act were drawn against the petitioner on account of his allegedly having encroached upon the chak road. These proceedings were decided against the petitioner. It is admitted that against the order, an appeal alongwith an application for stay filed by the petitioner is pending consideration.

5. It appears that since no interim order is operating in favour of the petitioner, the Municipal Authorities are allegedly proceeding to carry out demolition in so far as the encroachment is concerned. It is in this context that the representation dated 21.4.2025 has been made by the petitioner.

6. In our considered opinion, interest of justice would be served in case the newly added respondent- the District Judge, Moradabad, before whom the appeal arising out of the proceedings under the Public Premises Act is stated to be pending is directed to decide the stay application filed by the petitioner, expeditiously and preferably, within a period of three weeks from the date a certified copy of this order is filed before him.

7. It is needless to say that the order shall be passed after hearing all concerned.

8. Subject to the above, the petition stands disposed of.

Order Date :- 1.5.2025 A. V. Singh