

# Ahmad Saquib Mansoor vs State Of U.P. And 2 Others on 9 April, 2024

**Author: Mahesh Chandra Tripathi**

**Bench: Mahesh Chandra Tripathi**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2024:AHC:62534-DB

Court No. - 40

Case :- WRIT - C No. - 20419 of 2020

Petitioner :- Ahmad Saquib Mansoor

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Aditya Sharma,Ashish Jaiswal,Rajneesh Sharma

Counsel for Respondent :- Arun Kumar,C.S.C.,Pawan Kumar Singh

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Anish Kumar Gupta,J.

1. Heard learned counsel for the petitioner; learned Standing Counsel for State respondents and Shri Arun Kumar, learned counsel for Prayagraj Development Authority (PDA).

2. Present writ petition has been preferred for following reliefs:-

"(i) issue suitable writ, order or direction in the nature of mandamus directing the respondent authorities not to interfere in the peaceful carrying out business activity

of the petitioner permitted by the Department of Food Safety and Drug Administration Government of U.P. under Food Safety and Standards Act, 2006 (fssai) as well as under U.P. Dookan Aur Vanijya Adhishthan Adhiniyam 1962 and U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963 through shop situate at 19/35, M.G. Marg, Civil Lines Zone No.3 Prayagraj.

(ii) issue suitable, writ order or direction in the nature of mandamus directing the respondent authorities not to create any hindrance in renovation of shop within permitted area situate at 19/35, M.G. Marg, Civil Lines Zone No.3 Prayagraj.

(iii) issue suitable writ, order or direction in the nature of mandamus directing the respondent authorities to compensate the petitioner due to illegal partial demolition of his shop situate at 19/35, M.G. Marg, Civil Lines Zone No.3, Prayag Raj on behalf of respondent authorities."

3. By way of amendment, following relief has also been asked for:-

"(i) (a) Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 12.06.2017 passed by the Zonal Officer (1), Allahabad Development Authority, Allahabad (Prayagraj)."

4. At the very outset, learned counsel for the PDA submits that the petitioner has got alternative efficacious remedy to assail the validity of the impugned order before the appellate authority and once alternative remedy is available, there is no reason to bypass the same and as such the writ petition is liable to be dismissed.

5. Considering the facts and circumstances of the case, we find substance in the objection raised by learned counsel for the PDA. However, since the matter is pending since 2020, in the interest of justice, it is provided that in case the petitioner prefers an appeal along with stay application against the order impugned within two weeks, the stay application would be decided by the appellate authority on its own merit in accordance with law in six weeks, thereafter. Till the disposal of stay application, the parties shall maintain status quo as on today qua the property in dispute. The appellate authority shall also make an endeavour to decide the appeal expeditiously.

6. The writ petition stands disposed of accordingly.

Order Date :- 9.4.2024 SP/