

(2008) 12 AHC CK 0130

Allahabad High Court (Lucknow Bench)

Case No: None

Bhagauti Prasad S/O Ayodhya
Prasad

APPELLANT

Vs

Secretary Lucknow Development
Authority, Lucknow & Anr.

RESPONDENT

Date of Decision: Dec. 1, 2008

Hon'ble Judges: Pradeep Kant, J and Shabihul Hasnain, J

Final Decision: Disposed Of

Judgement

Shabihul Hasnain, J.

Heard the counsel for the petitioner and the counsel for the respondents.

The petitioner's grievance is that despite the execution of the sale deed, the possession of the house in question is not being delivered.

From the paper book of the writ petition, Sri Shobhit Mohan Shukla, appearing for the LDA says that the earlier allottee is occupying the premises and the same is not being vacated by him, therefore, actual possession is not being delivered. The letter dated 30.5.08 written by the Deputy Secretary to the petitioner mentions the aforesaid fact. The letter says that steps are being taken for eviction of the erstwhile allottee.

Since the execution of the sale deed and the sale of the house in question in favour of the petitioner is not being disputed by the LDA, the petitioner is entitled to have the possession, of course, if there is no other legal impediment.

We, therefore, dispose of the petition finally with a direction that the petitioner may make a fresh representation to the Vice Chairman, LDA for delivery of possession and the Vice Chairman shall look into the grievance of the petitioner and shall take necessary steps and pass appropriate orders in accordance with law, after giving an opportunity of hearing to the person in possession at the earliest, say, preferably

within a maximum period of two months from the date of receipt of a certified copy of this order.