

Complaint No.25/2025

Smt. Prema Sinha vs. Experion Developers Pvt. Ltd. &amp; ors.

**30.1.2025**

The case is called out. Heard Sri Manu Dixit, Sri Saurabh Singh and Sri Ambikesh Singh, ld. counsels for the complainant.

The instant complaint has been filed by the complainant who is resident of Flat no.203, Tower-3, Experion Capital, Indra Gandhi Prathisthan, Vibhuti Khand, Gomti Nagar, Lucknow.

The submission of the ld. counsel for the complainant is that the opposite parties has started a project in the name and style of M/s Experion Developers Pvt. Ltd. by which the offer of residential flat and one commercial building next to the main road of the Vibhuti Khand has been proposed. There were total number of 4 towers for residential purposes and one tower for commercial purposes.

The construction has been started, however, the construction of the tower no.4 which is just adjacent to the building of the Hon'ble High Court (Lucknow Bench), has been stopped on account of construction of the Tower 4, the privacy of the Hon'ble High Court is highly affected. It is further submitted that even tower no.1, 2 & 3 are creating security problem both for the Hon'ble High Court as well as for Indra Gandhi Prathisthan where the functions at the National level and State level are regularly held in which not only the State Government's higher authorities including the Hon'ble Chief Minister and high authorities are participating but also some times Hon'ble Prime Minister of India and the Hon'ble President of India are regularly coming.

In fact, this court is surprised to see the conduct of the opposite party no.4 Lucknow Development Authority who has sanctioned the map of the opposite party no.1, proposal for residential and commercial activities. In every residential tower around 20 floors and in one tower around 19 floors and roof are construction and at one floor there are 4 flats i.e. total number of flats in one tower are about 80 and in other 2 towers are around 160. The proposal initially offered by the opposite party no.1 through brochure to attract to the



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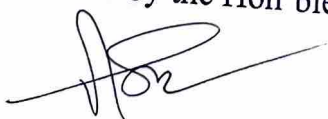
prospective buyers indicates that there will be one community centre/club house, indoor badminton court and place for refreshment of elderly residents/senior citizens.

It is surprising to see that the opposite party no.1/2 without any authority of law has started the construction on indoor badminton court and also illegally encroached the place for senior citizens by making construction over there. Apart from that the opposite party no.1 builder has allotted the community center to one business organization i.e. opposite party no.3, **Chica Loca by Sunny Leone, 401, 4<sup>th</sup> Floor, Gulshan One29, Plot no.C-3, E-1, Sector-129, Noida, Dadri Tehsil, Gautam Buddha Nagar.** The opposite party no.3 is involved in carrying on the business of running Bar and liquor services.

The submission of the ld. counsel for the complainant is that on account of illegal allotment to the opposite party no.3 by the opposite party no.1/2 for running Bar and restaurant etc. will create not only hurdle to the residents of the Society but also permanent nuisance for every-body of the society and nearby people including the Hon'ble High Court. In support of his submission, ld. counsel for the complainant submits that the Hon'ble Apex Court has constantly held that no such activities like; running of Bar and service of liquor is permissible in any area where there is any temple/Mosque/Guru Dwara/Church/Educational Institution/purely residential area/Govt. offices etc.

The ld. counsel for the complainant also submits that even the fire vehicle movement for entry and exit has been illegally encroached by the opposite parties no.1 & 2 by making a boundary-wall and other construction which should be immediately removed by the opposite parties no.1 & 2 within 2 days from the date of service of the notice and the certified copy of this order.

Having heard the ld. counsel for the complainant and after perusal of the pleadings in the instant complaint, I am of the opinion that the entire activity as mentioned hereinabove by the opposite party no.1, is not only illegal but against the settled law by the Hon'ble Apex court.



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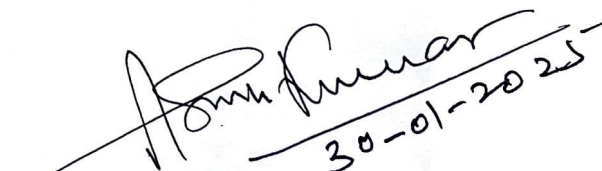
In view of said facts, following directions are issued :

Accordingly, the opposite parties no.1 & 2 are prohibited to make any construction for opposite party no.3 and to encroach any area of indoor badminton court meant for the children and residents of the Society as well as are restrained to create any hurdle whatsoever on the place which is exclusively meant for the residents, specially, senior citizens.


Ld. counsel for the complainant will also serve a certified copy of this order upon the V.C./Secretary, Lucknow Development Authority within 3 days from today who will ensure the strict compliance of this order, otherwise appropriate action will be taken on the next date fixed.

The opposite parties will file undertaking within a week from the date of receiving notice and certified copy of this order to ensure strict and 100% compliance of this order otherwise order for demolition of the illegal construction will be passed by this court.

List as fresh within first 10 cases on 19.2.2025.

  
30-01-2025  
(Justice Ashok Kumar)  
President

Jafri, PA I  
C-1

Paid Certificate No. \_\_\_\_\_  
Serial No. of the Application 413  
Date of receipt of Application 30/1/25  
Name of the applicant Mane Daxat  
Date of disposal 30/1/25  
Date of preparation of Application 30/1/25  
Date of preparation of copy 30/1/25  
Amount of fee charged Rs. 25/-  
Date of dispatch of free certified copy of order (by hand/post) on 30/01/25   
30/1/25