

UP DEMOLITIONS CAN'T TAKE PLACE WITHOUT NOTICES : SUPREME COURT

The supreme court in the case of Jamiat Ulama-I-Hind & Anr v UOI & Ors ordered the Uttar Pradesh government to only carry out demolitions in compliance with the law's procedures.

In this case, Jamiat Ulama-I-Hind has filed a petition with the State of Uttar Pradesh, requesting that no future demolitions be taken out in the state without due process. The motions were filed by Uled in a previous lawsuit against a demolition campaign in Delhi's Jahangirpuri neighbourhood. On April 21, the Court issued a notice and ordered a halt to the demolition campaign initiated by the North Delhi Municipal Corporation (NDMC) in the riot-plagued Jahangirpuri neighbourhood.

Counsel on behalf of Petitioner submits that the state authorities proceeded to bulldoze the properties of those allegedly involved in violent episodes following certain distasteful and insulting statements made by two political figures against Prophet Mohammad, based on the notion that the status quo did not apply to Uttar Pradesh.

Demolitions are considered to be against the rule of law and municipal ordinances imposed by the state of Uttar Pradesh.

The petitioner also requested that action be taken against authorities who were allegedly responsible for the dwellings being demolished in contravention of the rule of law and municipal ordinances issued by the state of Uttar Pradesh.

According to the application, two political figures made some distasteful and disrespectful statements a few days ago, causing communal conflict in several regions of the country. Following the words of the two political leaders, a number of residents in Kanpur's district called for a bandh in protest.

A scuae broke out between the Hindu and Muslim religious communities on the day of the demonstration, and stone pelting occurred between the two communities, according to the report. Following the violence in Kanpur, the applicant claimed that a number of officials stated in the media that the properties of suspects/accused would be confiscated and demolished, including the state's Chief Minister, who stated in the media that the homes of accused persons would be razed with bulldozers.

Respondent i.e. Uttar Pradesh government submits that the Jamiat Ulama-IHind has no jurisdiction over the case. Tushar Mehta, the Solicitor General, said that because there is a claim of law violations, some aggrieved party must step up and claim that demolition action was taken against it without notice as retaliation for its role in the riots.

Uled had also sought directions from the State of Uttar Pradesh, through Advocate Kabir Dixit and Advocate Sarim Naved, that no precipitative action be taken in Kanpur District against the residential or commercial property of any accused in any criminal proceedings as an extralegal punitive measure.

Senior Advocate Harish Salve, representing the UP government, said that there are three different scenarios. The notification in Prayagraj was given in May, well before the unrest. A demolition order was issued on May 2nd. And because the property is precious, no one will be able to approach it.

Counsel from Respondent clarifies the claim that they were unauthorised structures was valid. Bulldozers are used to destroy houses. Bulldozers will be used against people who take law into their own hands, according to top officials from Uttar Pradesh's chief minister down.

The Apex Court consisting of vacation bench of Justices AS Bopanna and Vikram Nath said that demolitions cannot take place without prior notification by stating the remark that those whose homes are demolished may not be able to bring their cases to the Court.

The matter will now be heard on Tuesday, June 21.