

Court No. - 46

Case :- WRIT - C No. - 30983 of 2023

Petitioner :- Virendra Pandey And 4 Others

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Kriti Gupta

Counsel for Respondent :- C.S.C., Santosh Kumar Singh

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

1. Petitioner is aggrieved by the Demand Notice issued by Azamgarh Development Authority, Azamgarh requiring the petitioner to deposit various amounts for the sanction of building map. The Demand Notice is challenged on the ground that the direction to deposit the Impact Fees and Sub Divisional Charges is not contemplated in law. Reliance is also placed upon recent judgment of Hon'ble Supreme Court passed in Civil Appeal No. 5645 of 2015, Mathura Vrindavan Development Authority and Anr. Vs. Rajesh Sharma and Ors.

2. Shri Santosh Kumar Singh, learned counsel appearing on behalf of Development Authority contends that a recent ordinance has been issued by the State, namely, Uttar Pradesh Urban Planning and Development (Amendment) Ordinance, 2023 on 10.07.2023 introducing various provisions in the Act of 1973. It is submitted that authority intends to re-examine the issues raised in this petition and shall pass a fresh order, in accordance with the law laid down by The Supreme Court in case of Mathura Vrindavan Development Authority's case (supra) as also the ordinance notified on 10.07.2023. Learned counsel further states that in order to take a fresh decision in that regard, authority intends to withdraw the impugned Demand Notice.

3. In view of the statement so made by learned counsel for Development Authority, we permit the respondent Development Authority to withdraw the impugned Demand Notice and to take a fresh decision, in accordance with law, in respect of demand of charges for sanction of map.

4. The writ petition stands disposed of accordingly.

Order Date :- 13.10.2023

Ashok Kr.