

Court No. - 6

Case :- WRIT - C No. - 33571 of 2023

Petitioner :- Shri Radha Krishna Mandir Bhavan

Respondent :- Chairman Agra Development Authority, Agra And 2 Others

Counsel for Petitioner :- Vishesh Rajvanshi

Counsel for Respondent :- C.S.C., Suresh C. Dwivedi

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Vishesh Rajvanshi, learned counsel for the petitioner, Mr. D.S. Chauhan, learned counsel for respondent nos.1 and 2 and learned Standing Counsel for the State-respondent.

With the consent of learned counsel for the parties, this writ petition is being finally disposed off at this stage without calling for a counter affidavit.

This writ petition has been filed by the petitioner with a prayer to quash the order dated 13.07.2023 passed by respondent no.1 in Appeal No.887 of 2023 and a further prayer to direct the respondent authorities to open the seal of the premises and permit the society members to carry out their daily activities.

Learned counsel for the petitioner submits that in the proceedings under Section 28-A(1) of U.P. Urban Planning and Development Act, 1973, order dated 29.05.2023 was passed. The aforesaid order was challenged by the petitioner by means of filing an appeal alongwith stay application. The stay application has been rejected by order dated 13.07.2023 in a mechanical manner without disclosing any reason and without realizing the fact that the proceedings under Section 28-A(1) were not maintainable.

Learned counsel for the Development Authority does not dispute the fact that no reason has been assigned while rejecting the stay application.

In view of the above, order dated 13.07.2023 is set-aside with a direction to respondent no.1-Chairman Agra Development Authority, Agra to decide the stay application afresh, in accordance with law, by means of a reasoned and speaking order, preferably within a period of **twenty days**, from the date of production of certified copy of this order, if there is no legal impediment.

With the aforesaid observations, the writ petition is **disposed off**.

Order Date :- 28.10.2023

Kalp Nath Singh