

Chief Justice's Court

Case :- WRIT - C No. - 38783 of 2023

Petitioner :- Devika Skypers Apartment Owners Association

Respondent :- Ghaziabad Development Authority And Another

Counsel for Petitioner :- Shikhar Tandon, Gajendra Singh Arya

Counsel for Respondent :- Ravi Prakash Pandey, Satendra Tirpathi

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

1. Heard Shri Shikhar Tandon, learned counsel appearing for the petitioner and Shri Satendra Tripathi, learned counsel who has put in appearance on behalf of respondent No. 1-Ghaziabad Development Authority.
2. Considering the nature of the order that is proposed to be passed, notice upon respondent No. 2 is being dispensed with.
3. The grievance as raised by the petitioner, which is a body of association of the apartment owners, is that the respondent No. 2 has not handed over the control of the Housing Society to the petitioner-association.
4. Learned counsel for the petitioner submits that the petitioner has approached the respondent No. 1, i.e., Development Authority by means of a representation dated 14.09.2023 which is stated to be pending consideration. He further submits that the purpose of filing the present writ petition shall stand served if appropriate direction is issued to respondent No.1 to consider and pass appropriate order on the pending representation.
5. Learned counsel for the respondent No. 1 has no objection to the aforesaid proposition.
6. We are also of the opinion that no useful purpose would be served by keeping the writ petition pending and it is accordingly, disposed of by requiring the respondent No. 1, who is seized with the representation of the petitioner dated 14.09.2023, to consider all the aspects of the matter, after giving opportunity to all the affected parties including the respondent No. 2, herein, and pass appropriate order strictly, in accordance with law, within a period

of 45 days from today.

7. Needless to say that we have not expressed any opinion on the merit of the claim of the petitioner and it is open for the respondent No. 1 to pass appropriate order strictly, in accordance with law.

Order Date :- 8.11.2023

Mukesh Pal

(Ashutosh Srivastava, J) (Pritinker Diwaker, CJ)