

Court No. - 21

Case :- WRIT - C No. - 36891 of 2023

Petitioner :- Subhash Kasana And Another

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Saurabh Kesarwani, Smriti Gupta

Counsel for Respondent :- C.S.C, Kaushalendra Nath Singh

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Donadi Ramesh, J.

1. The prayer made in the instant petition is for issuance of a writ of certiorari calling upon the respondents to produce relevant records and quash the distinction between Pushtaini and Gair-pushtaini Kashtkars taken in 92nd Board Meeting denying allotment of 5% abadi land to Gair-pushtaini Kashtkars.

2. The submission of learned counsel for the petitioners is that the said distinction has been held to be illegal and arbitrary by the Supreme Court in **Ramesh Chandra Sharma & others vs. State of U.P. & others; 2023 SCC OnLine SC 162**.

3. Sri Kaushalendra Nath Singh, learned counsel appearing for the Noida Authority very fairly states that claim of the petitioners would be examined in accordance with the aforesaid law.

4. Accordingly, the petition is **disposed of** with direction to respondent no. 2 to pass a speaking order on the claim of the petitioners for allotment of 5% abadi land in lieu of acquisition of their land, having regard to the judgment of Supreme Court in **Ramesh Chandra Sharma & others vs. State of U.P. & others; 2023 SCC OnLine SC 162**, within a period of eight weeks from the date of communication of the instant order alongwith fresh representation.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, J.)

Order Date :- 9.11.2023/Ruhi H.