

Court No. - 21

Case :- WRIT - C No. - 38508 of 2023

Petitioner :- Smt Sudesh Sharma

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Nipun Singh, Sumit Suri

Counsel for Respondent :- C.S.C., Shiv Prakash Gupta

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. Heard Sri Nipun Singh, learned counsel for the petitioner and Sri Shiv Prakash Gupta, learned counsel appearing on behalf of respondent no. 2.
2. Since controversy similar to the one raised in the present petition has been determined by this Court in Writ Petition Nos. 20622 of 2021 and 20971 of 2022 against the respondent-Development Authority, as such we do not deem it necessary to grant any opportunity to file a counter affidavit in the matter and the writ petition is being disposed of in terms of the previous adjudication already made by this Court. The order passed in Writ Petition No. 20971 of 2022 dated 12.09.2022 is reproduced hereinunder:-

"The instant petition has been filed praying for a mandamus directing respondent nos. 2 and 3 to pay interest @ 9% per annum on the amount deposited by the petitioner under allotment order dated 25.11.2011, in respect of a HIG plot. It is not in dispute between the parties that possession of the plot could not be delivered to the petitioner in view of the resistance offered by the farmers. Learned counsel for the petitioner, as well as Sri J.N. Maurya, learned counsel appearing for respondent nos. 2 and 3, states that in identical facts and circumstances, this Court by order dated 12.7.2022, in Writ - C No. 20622 of 2021, directed for refund of the entire amount deposited by the petitioner of that case, along with interest @ 8% per annum.

Learned counsel for the petitioner admits that the petitioner has already been refunded the amount deposited by him under the allotment order. The grievance raised in the writ petition is only in regard to non-payment of interest.

Sri J.N. Maurya, learned counsel appearing for respondent nos. 2 and 3, states that the Development Authority will comply with the direction issued by this Court vide order dated 12.7.2022 in Writ - C No. 20622 of 2021.

Accordingly, the petition is disposed of with direction to respondent nos. 2 and 3 to pay interest to the petitioner @ 8% per annum, within a period of one month from the date of receipt of a true attested copy of the instant order."

3. The petitioner is also an allottee in the same scheme and, therefore, his claim for grant of interest and refund is also directed to be dealt with in terms of the above order, on same terms.

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

Order Date :- 23.11.2023

Ruhi H.