

Chief Justice's Court

Case :- WRIT - C No. - 38665 of 2023

Petitioner :- Sushil Kumar Dubey

Respondent :- The State Of Uttar Pradesh And 2 Others

Counsel for Petitioner :- Dhiraj Singh

Counsel for Respondent :- C.S.C., Arun Kumar, Pawan Kumar Singh

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

1. Heard Shri Dhiraj Singh, learned counsel for the petitioner, learned counsel for respondent No.1 and Shri Pawan Kumar Singh, learned counsel for respondent Nos. 2 and 3.
2. The petitioner is aggrieved by notice dated 22.06.2017 issued by the respondent - Corporation to the petitioner informing him to complete certain formalities for sanctioning the map of retail outlet. By the said notice, the petitioner was asked to deposit Rs. 66,94,000/- including Rs. 31,50,000/- as impact fee for the same.
3. Learned counsel for the petitioner has relied upon a recent judgment of the Hon'ble Supreme Court in the case of ***Mathura Vrindavan Development Authority and Another vs. Rajesh Sharma and others and other connected appeals***; 2023 SCC Online SC 530, 2023 0 Supreme (SC) 426, in respect of his contention that the Development Authority is not entitled to realize impact fee as the same is not contemplated under the provisions of the U.P. Urban Planning and Development Act, 1973.
4. Learned counsel appearing on behalf of respondent Nos. 2 and 3 is not in a position to dispute the said submission.
5. Having regard to the above judgment of the Hon'ble Supreme Court, we permit the petitioner to approach the respondent - Corporation and apprise it of the legal position which now emerges after the judgment of the Supreme Court, so that a fresh decision, in accordance with law, is taken by the Corporation in respect of the proposal submitted by the petitioner for setting up of the retail outlet.
6. In view of the above, the writ petition stands **disposed of**.

Order Date :- 8.11.2023

Mukesh Pal

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