

Court No. - 21

Case :- WRIT - C No. - 40526 of 2023

Petitioner :- Ashwani Kumar

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Jai Shanker Misra, Ashish Mishra, Vijai Shanker Shukla

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

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The petitioner has assailed the order dated 04.10.2023 passed by respondent no.2 declining to allot developed plot to the petitioner whose agricultural land was acquired by Noida for planned development. The ground for rejection is that the petitioner is not resident of Noida.

2. Learned counsel for the petitioner submits that the distinction made by Noida between Pustaini Kastkar and Gair Pustaini Kastkar has been held to be illegal and arbitrary and violative of the Article 14 of the Constitution of India by Supreme Court in the case of Ramesh Chandra Sharma & others vs. State of U.P. & others; 2023 SCC OnLine SC 162.

3. Learned counsel for the respondent-authority is not in a position to dispute the above legal position.

4. Under the circumstances, without entering into the merits of the case, the writ petition is **disposed of** with a direction to respondent no.2 to revisit the claim of the petitioner in the light of the judgment of the Apex Court in the case of 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 along with fresh representation and copy of the judgment in the case of Ramesh Chandra Sharma (supra).

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

Order Date :- 24.11.2023

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