

Court No. - 46

Case :- WRIT - C No. - 40620 of 2023

Petitioner :- Sri Badri Nath Construction

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Shalini Goel, Rama Goel Bansal

Counsel for Respondent :- C.S.C., Dharmendra Singh Chauhan

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

This petition is directed against an order dated 14.11.2023, passed by the respondent development authority, whereby petitioner's application for grant of sanction under section 15 of the U.P. Urban Planning and Development Act, 1973 has been rejected. The order of rejection records that respondent authority is awaiting response from Avas Bandhu and the petitioner may apply only after a reply is received from Avas Bandhu.

It is pointed out that initially there was some proposal for acquisition of land in question, which has since failed. It is specifically asserted that petitioner's land has not been acquired and merely because some guidelines are solicited from Avas Bandhu would not be a ground to reject petitioner's application for sanction of map. It is also submitted that the ground taken to reject petitioner's claim by the respondent authority is not referable to any provision of law contained under the Act of 1973.

Sri D. S. Chauhan, learned counsel appearing for the respondent authority does not dispute the aforesaid facts and submits that the authority be allowed to revisit the issue.

No provision of law is shown as per which petitioner's application for sanction of building plan can be rejected only because certain guidelines have been sought from Avas Bandhu. Since the rejection of petitioner's application for sanction of map is on a ground which is not referable to any provision of law, the order impugned cannot be sustained and is quashed. The respondent authority is directed to re-consider petitioner's application for grant of sanction to map, in accordance with law, within a period of six weeks from the date of presentation of a certified copy of this order.

Writ petition is, accordingly, allowed.

Order Date :- 28.11.2023

Ashok Kr.