Court No. - 21

Case :- WRIT - C No. - 41611 of 2023

Petitioner :- Sri Kamta Prasad
Respondent :- State of U.P. and Another
Counsel for Petitioner :- Dhiraj Singh
Counsel for Respondent :- C.S.C.,Pawan Kumar Singh

Hon'ble Manoj Kumar Gupta,Acting Chief Justice
Hon'ble Donadi Ramesh,J.

1. The petitioner herein has challenged the demand notice dated 25.11.2023 issued by respondent no. 2 levying various charges for sanction of his building plan. The contention of learned counsel for the petitioner is that various charges being demanded by the impugned notice do not fall within the purview of Section 15(2-A) of U.P. Urban Planning and Development Act, 1973 or under Section 35 of the Act and are thus illegal. In support of his submission, he places reliance on the judgment of Supreme Court dated 28.4.2023 in the case of **Civil Appeal No. 5645 of 2015 (Mathura Vrindavan Development Authority and Another Vs. Rajesh Sharma and Others)**.

2. An affidavit has been filed on behalf of the Prayagraj Development Authority in the connected matter, i.e. Writ - C No. 41640 of 2023, annexing therewith an order dated 5.12.2023, by which it has been clarified that even in respect of notices already issued but amount not yet deposited, the PDA would apply the judgment of Supreme Court in **Mathura Vrindavan Development Authority** (supra).

3. As the Prayagraj Development Authority has already issued clarification that it would apply the judgment of Supreme Court in **Mathura Vrindavan Development Authority** (supra) even in

respect of notices already issued, therefore we dispose of the instant petition with liberty to Prayagraj Development Authority to issue fresh notice of demand, keeping in view the judgment of the Supreme Court in **Mathura Vrindavan Development Authority** (supra).

4. As a result, the impugned demand notice dated 25.11.2023 would stand withdrawn in respect of the charges held to be not permissible by the Supreme Court in **Mathura Vrindavan Development Authority** (supra).

5. The order has been passed in the presence of Sri Avadhesh Narayan Dubey, learned counsel appearing on behalf of the Development Authority.

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

Order Date :- 6.12.2023
Jaideep/-

Digitally signed by :-
JAIDEEP BANERJEE
High Court of Judicature at Allahabad