

Court No. - 21

Case :- WRIT - C No. - 41971 of 2023

Petitioner :- Dinesh Chandra Yadav And Another

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Jitendra Kumar Yadav, Chandreshwer Prasad

Counsel for Respondent :- C.S.C, Harsh Vardhan Gupta

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The petitioners herein have challenged the demand notice dated 13.7.2023 issued by respondent no. 2 levying various charges for sanction of their building plan. The contention of learned counsel for the petitioners 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 As a result, the impugned demand notice dated 13.7.2023 would stand withdrawn in respect of the charges held to be not permissible by the Supreme Court in **Mathura Vrindavan Development Authority** (supra).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 Shri Prakash Mishra, learned counsel appearing on behalf of the Development Authority.

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

Order Date :- 6.12.2023

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