Court No. - 21
Case :- WRIT - C No. - 42211 of 2023
Petitioner :- Sri.Sandeep
Respondent :- State of U.P. and Another
Counsel for Petitioner :- Dhiraj Singh
Counsel for Respondent :- C.S.C.,Nilamber Tripathi,Pawan Kumar Singh

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

1. Heard Shri Dhiraj Singh, learned counsel for the petitioner, Shri Rajeev Gupta, learned Additional Chief Standing Counsel for the State-respondent and Shri Nilamber Tripathi, learned counsel for the Prayagraj Development Authority.

2. 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)**.

3. An affidavit has been filed on behalf of the Prayagraj Development Authority in 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 has not been deposited, the PDA would apply the judgment of Supreme Court in **Mathura Vrindavan Development Authority** (supra).

4. 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).

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 As a result, the impugned demand notice dated 25.11.2023 would stand withdrawn in respect of the charges held to be not permissible by the Supreme Court in **Mathura Vrindavan Development Authority** (supra).

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

Order Date :- 7.12.2023/Mukesh Pal

Digitally signed by :-
MUKESH PAL
High Court of Judicature at Allahabad