Court No. - 21

Case :- WRIT - C No. - 42513 of 2023

Petitioner :- Mahesh Prasad Shukla
Respondent :- The State Of U.P. And Another
Counsel for Petitioner :- Dhiraj Singh,Mina Singh
Counsel for Respondent :- C.S.C,Om Prakash Gupta,Pawan Kumar Singh

Hon'ble Manoj Kumar Gupta,Acting Chief Justice
Hon'ble Kshitij Shailendra,J.

1. The petitioner herein has challenged the demand notice dated 30.11.2023 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 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 As a result, the impugned demand notice dated 30.11.2023 would stand withdrawn in respect of the charges held to be not permissible by the Supreme Court in **Mathura Vrindavan**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 Pramod Kumar Singh, learned counsel appearing on behalf of the Development Authority.

Order Date :- 15.12.2023
Mukesh Kr.

(Kshitij Shailendra,J.) (Manoj Kumar Gupta,A.C.J.)

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