

Court No. - 3

Case :- CIVIL MISC REVIEW APPLICATION No. - 137 of 2023

Applicant :- Lko. Development Authority Thru. Secy. Lko. And Others

Opposite Party :- Kamaljit Singh And Another

Counsel for Applicant :- Ratnesh Chandra

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Learned counsel for the review applicant who has also served a copy of the review application upon learned counsel for the opposite party, petitioner in the writ petition.

Heard both the parties on the review application.

Sri Ratnesh Chandra, learned counsel for the review applicant-Lucknow Development Authority states that the words "commercial street" and "commercial map" with regard to hospital are wrongly noted in the judgment and order under review and the same may be corrected. He further states that the same would not in any manner impact the benefit available to the petitioner on parity.

Sri Neel Kamal Mishra, learned counsel for the opposite party/petitioner has no objection to the review application. Hence, the order dated 09.10.2023, is modified and after modification the same reads as under:-

"1. Heard learned counsel for parties.

2. Petitioner has approached this Court challenging orders dated 24.02.2020 and 18.01.2020 passed by respondent no.4 whereby map of petitioner is rejected and petitioner is asked to apply, treating his plot as residential.

3. Learned counsel for petitioner submits that though the plot of petitioner is on the street popularly known as I.T. College to Raidas Mandir, but the same is declared as bazar street in the master plan applicable at that time. The map of the adjacent plot bearing No A4-A5 is already cleared for Gastro Care Services Private Ltd. No conversion fee is charged while passing the map of Gastro Care Services Private Ltd.

4. Learned counsel for the L.D.A. Shri Ratnesh Chandra could not dispute from the record that map of Gastro Care Services Private Ltd. is cleared and conversion fee is not charged on the said map. The map of the petitioner is for running a school for disabled children and the petitioner is also entitled for the same benefit as is provided to Gastro Care Services Private Ltd.

5. In the facts and circumstances of the case, petitioner cannot be treated on a different footing and parity has to be maintained by L.D.A. Therefore, the impugned orders dated 24.02.2020 and 18.01.2020 passed by respondent no.4 are set aside. Respondents are directed to consider the map of petitioner on the same footing as that of Gastro Care Services Private Ltd. and they shall not charge any conversion fee from the petitioner also in case the same is not charged from Gastro Care Services Private Ltd. The Vice Chairman, L.D.A. shall ensure that orders are passed as directed aforesaid within a period of six weeks from today in accordance with law.

6. The writ petition stands allowed."

With the aforesaid modifications, the review application stands disposed of.

(Manish Kumar, J.) (Vivek Chaudhary,J.)

Order Date :- 21.11.2023

Arjun/-