

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 6133 of 2023

Petitioner :- Dhan Prakash Budhraj And Another

Respondent :- State Of U.P. Thru. Secy, Deptt. Of Housing And Urban Planning Lko. And 2 Others

Counsel for Petitioner :- Manoj Kumar Gupta

Counsel for Respondent :- C.S.C., Ratnesh Chandra

Hon'ble Rajnish Kumar,J.

Shri Paavan Awasthi, Advocate filed his 'Vakalatnama' on behalf of opposite party no.3, which is taken on record. He raised a preliminary objection that this petition under Article 227 of the Constitution of India for a direction to the statutory authority under the U.P.Urban Planning and Development Act, 1973 for deciding the appeal is not maintainable.

Even otherwise the prayer made by the petitioners is defective because they are seeking a direction to decide the revision by the Chairman/Lucknow Development Authority/Commissioner, Lucknow Division, Lucknow, whereas the revisional authority admittedly is the State Government and the revision has already been decided by the State Government by means of order dated 12th July 2023 and seeking compliance of the order dated 15.02.2023 passed in the matters under Article 227 No.409 of 2023; Dhan Prakash Budhraj and another Versus State of U.P. and others, which is also totally misconceived because the direction in the said petition was to decide the revision and the revision has already been decided.

At this stage Shri B.P.Singh Dhakray alongwith Shri Manoj Kumar Gupta, learned counsel for the petitioners submits that the petition may be dismissed as not pressed with liberty to file fresh with proper pleadings and prayer, to which there is no objection to learned counsel appearing for opposite party no.3 and learned Standing Counsel.

The petition is, accordingly, **dismissed** as not pressed with the liberty as aforesaid.

(Rajnish Kumar,J.)

Order Date :- 7.12.2023

Banswar