

Court No. - 3

Case :- WRIT - C No. - 10835 of 2023

Petitioner :- Casa Greens Exotica Residents Welfare Association Thru. Its Secy. Mr. Sujeet Dwivedi

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

Counsel for Petitioner :- Aviral Raj Singh, Ankit Kumar Pandey, Ashutosh Verma, Palash Banerjee, Vaibhav Tiwari

Counsel for Respondent :- C.S.C., Ratnesh Chandra, Shailendra Singh Chauhan

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Sri Shailendra Singh Chauhan, Advocate has filed his vakalatnama on behalf of respondent no.2/Lucknow Development Authority which is taken on record.

Heard learned counsel for the petitioner and learned Standing Counsel for the State as well as learned counsel for respondent no.2.

Present writ petition has been filed by the petitioner with the following main prayer:-

"(i) Issue, a writ, order or direction in the nature of Mandamus, thereby directing the Respondent No. 2 to pass suitable direction(s) in a time-bound manner, upon the Reply-cum-Representation dated 31.07.2023 & the Reply dated 01.11.2023, of the Petitioner Association, for handing over the common areas / facilities, etc., of the Society, along with return of the IFMS money (about Rs.60,000/- per allottee), by the Respondent No. 3 to the Petitioner Association."

Sole grievance of the petitioner is that it is the Resident Welfare Association which has moved an application to the Development Authority for handing over of the common areas/facilities etc. to the said society in accordance with law.

Learned counsel for petitioner submits that the grievance of petitioner would be substantially met if the case of petitioner for the said purposes is considered and decided in a time bound manner.

Learned Standing Counsel for the State as well as learned counsel for respondent no.2 have no objection to the same.

In view thereof, petitioner is permitted to make a fresh detailed representation to respondent no.2 i.e. Deputy Secretary, Residents Welfare Association Cell, Lucknow Development Authority, Lucknow raising all his grievances, annexing therewith a copy of this writ petition along with annexures and all the documents in support of his claim within a period of two weeks from today along with a certified copy of this order.

In case such a representation is moved by petitioner, respondent no.2 i.e. Deputy Secretary, Residents Welfare Association Cell, Lucknow Development Authority, Lucknow shall consider and decide the same in accordance with law, after hearing all parties concerned, by a reasoned and speaking order, within a period of two months from the date a certified copy of this order along with representation is placed before him.

It is made clear that this court has not applied itself on the merits of the case and all questions are left open to be considered and decided by the competent authority in accordance with law.

With the aforesaid directions, present writ petition is **disposed of**.

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

Order Date :- 13.12.2023

Manoj K.