

Court No. - 3

Case :- WRIT - C No. - 10943 of 2023

Petitioner :- Reena Rani Agarwal

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

Counsel for Petitioner :- Mukesh Kumar Tewari

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

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Supplementary affidavit filed today is taken on record.

Heard learned counsel for the parties and perused the record.

Petitioner has approached this Court challenging the resolution dated 24.09.2021 of the Committee headed by the Voice-Chairman, Lucknow Development Authority, whereby the prayer for converting his residential plot to commercial is rejected.

Learned counsel for the petitioner states that against the said order the petitioner has earlier filed a Writ-C No.8591 of 2022, which was withdrawn on 17.11.2023 with liberty to file a fresh writ petition as certain new developments have taken place, hence the present writ petition has been filed.

Learned counsel for the petitioner further states that now under the Government Order dated 24.08.2022, amended by Government Order dated 07.07.2023 by which U.P. Transit Oriented Development Police, 2022 got force, hence, the petitioner is entitled for consideration of the same.

Learned counsel for the petitioner states that the grievance of petitioner would be substantially met in case his case is also covered under the aforesaid U.P. Transit Oriented Development Police, 2022. He further states that in case the order is passed against the petitioner is right to challenge the earlier resolution dated 24.09.2021 be also saved.

Learned counsel for U.P. Avas Evam Vikas Parishad Sri Punit Chandra and Sri Baibhav Krishna, learned Advocate holding brief of Sri Ratnesh Chandra, learned counsel for respondent nos.2 to5 have no objection to the same.

In view thereof, petitioner is permitted to make a fresh detailed representation to Chairman of the aforesaid Committee, raising all his grievance, annexing therewith a copy of this writ petition along with annexures and all the documents in support of his claim within a period of four weeks from today along with a certified copy of this order.

In case such a representation is moved by petitioner, it is expected that the same shall be considered and decide the same in accordance with law by a reasoned and speaking order within a period of four months from the date a certified copy of this order along with representation is placed before him. Writ of the petitioner to challenge the resolution dated 24.09.2021 shall remain open as this court has not considered the validity of the order on merit.

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.

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[Manish Kumar,J.] [Vivek Chaudhary,J.]

Order Date :- 15.12.2023

S. Kumar